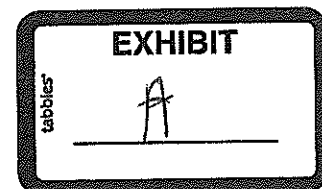


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AFTAB A. KHAN,)
)
Plaintiff,)
)
-vs-) No. 21-cv-4827
)
HCL AMERICA, INC.,)
)
Defendant.)

Videotaped deposition of AFTAB KHAN taken
before CAROL CONNOLLY, CSR, CRR, and Notary Public,
pursuant to the Federal Rules of Civil Procedure for the
United States District Courts pertaining to the taking of
depositions, at 155 North Wacker Drive, Suite 4300,
Chicago, Illinois, commencing at 10:13 a.m. on the 14th
day of March, A.D., 2023.



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| <p style="text-align: right;">Page 2</p> <p>1 There were present at the taking of this 2 deposition the following counsel: 3 LAW OFFICES OF CHICAGO-KENT 4 COLLEGE OF LAW by 5 MR. RICHARD J. GONZALEZ (in person & Zoom) 6 565 West Adams Street 7 Suite 600 8 Chicago, Illinois 60661 9 (312) 906-5079 10 rgonzale@kentlaw.iit.edu 11 12 appeared on behalf of the Plaintiff; 13 14 OGLETREE, DEAKINS, NASH, 15 SMOAK & STEWART, P.C. by 16 MR. THOMAS A. LIDBURY and 17 MS. EBONY C. SMITH 18 155 North Wacker Drive 19 Suite 4300 20 Chicago, Illinois 60606 21 (312) 558-1220 22 thomas.lidbury@ogletree.com 23 ebony.smith@ogletree.com 24 25 appeared on behalf of the Defendant. 26 27 ALSO PRESENT: 28 Mr. Justin Gunn, Chicago-Kent College of Law 29 Mr. Brandon Rackowski, Videographer 30 31 32 33 34</p> | <p style="text-align: right;">Page 4</p> <p>1 Exhibit 8 March 18, 2020 email 189 2 from Prakash Chapain to 3 Aftab Khan, etc. 4 Exhibit 9 March 12, 2020 email 200 5 from Cheryl Bork to 6 Michael Belmont 7 Exhibit 10 June 30, 2020 transcript 216 8 of Intake Phone Interview 9 10 Exhibit 11 Plaintiff's Supplemental 237 11 Responses to Defendant's 12 First Set of Interrogatories 13 14 15 16 17 18 19 20 21 22 23 24</p> |
| <p style="text-align: right;">Page 3</p> <p>1 I N D E X 2 VIDEOTAPED DEPOSITION OF AFTAB KHAN 3 TAKEN March 14, 2023 4 5 EXAMINATION BY PAGE 6 Mr. Lidbury 6 7 ----- 8 9 EXHIBITS MARKED 10 PAGE 11 Exhibit 1 Plaintiff's Responses 141 12 to Defendant's First 13 Set of Interrogatories 14 Exhibit 2 March 12, 2020 email 155 15 from Aftab Khan to 16 Tamilnambi Arunachalam, 17 etc. 18 19 Exhibit 3 2015 Best Supporting 169 20 Entourage Award 21 Exhibit 4 October 6, 2016 memo 170 22 from Gerry Gheradini 23 24 Exhibit 5 February 6, 2020 email 171 25 from Prakash Chapain to 26 Michael Belmont, etc. 27 28 Exhibit 6 Performance Improvement 180 29 Plan for Aftab Khan 30 Exhibit 7 March 12, 2020 email from 182 31 Aftab Khan to Michael 32 Belmont and attachment, 33 etc. 34</p> | <p style="text-align: right;">Page 5</p> <p>1 THE VIDEOGRAPHER: Good morning. We are going on 2 the record at 10:13 a.m. on Tuesday, March 14th, 2023. 3 This is media unit 1 of the video-recorded deposition of 4 Aftab Khan taken by counsel for defendant in the matter 5 of Aftab Khan versus HCL America Incorporated filed in 6 the United States District Court for the Northern 7 District of Illinois, Eastern Division, case number 8 21-CV 4827. The location of the deposition is Ogletree 9 Deakins, Nash, Smoak, and Stewart, PC, located at 155 10 North Wacker Drive, Suite 4300, Chicago, Illinois, 60606. 11 My name is Brandon Rackowski representing 12 Veritext Legal Solutions, and I'm the videographer. The 13 court reporter is Carol Connolly from the firm Veritext 14 Legal Solutions. 15 Counsel and all present, including remotely, 16 will now state their appearances and affiliations for the 17 record beginning with the noticing attorney. 18 MR. LIDBURY: Tom Lidbury from Ogletree Deakins on 19 behalf of HCL America. 20 MS. SMITH: Ebony Smith from Ogletree Deakins also 21 on behalf of HCL America. 22 MR. GONZALEZ: Richard Gonzalez, Chicago-Kent Legal 23 Clinic on behalf of plaintiff and we have a Rule 711 law 24 student.</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 MR. GUNN: Justin Gunn, Chicago College-Kent Legal 2 Clinic. 3 THE VIDEOGRAPHER: Will the court reporter please 4 swear in the witness and then counsel may proceed. 5 AFTAB KHAN, 6 called as a witness herein, having been first duly sworn, 7 was examined upon oral interrogatories and testified as 8 follows: 9 EXAMINATION 10 By Mr. Lidbury: 11 Q Good morning, Mr. Khan. How are you? 12 A Good. 13 Q I'm introduced my off the record. I'm Tim 14 Lidbury. I'm the attorney for HCL America. I'll be 15 asking you the questions today. Okay? 16 A Sure. 17 Q Have you ever been deposed before? 18 A No. 19 Q There's a few ground rules, and at lot of times 20 people go through them at the beginning. I'm going to 21 hit them as they come up and try to help you out as they 22 happen. Rather than do that, but I'll you one up front. 23 If you need a break at any time, just tell me, and we'll 24 take a break as long as there's not a question pending.</p> | <p style="text-align: right;">Page 8</p> <p>1 country to coming. So 1988 I was there and -- 2 Q 1988 you graduated high school -- 3 A No. 1980 I graduated undergrad school. 1985 I 4 graduated my master degree program. So I did -- I did 5 1980 high school, '82, two-year college. That's how I 6 goes. And then four-year college. 7 Q So you went to College of DuPage in 1982? 8 A 19 -- not in 1982. 9 Q I'm so confused. I'm sorry. 10 A Sorry. Here we can describe. You want to talk 11 about my education which I have done in my native 12 country. 13 Q That's what I'm apparently missing from your 14 interrogatory answers. You did some education in 15 Pakistan before you came here? 16 A Yes. 17 Q Walk me through that because I don't have any 18 details. 19 A Right. Basically I did my four-year degree 20 from my native country, came in U.S. in 1991. And then I 21 started in 1992 DuPage College in U.S. And 1992 I 22 started U.S. in DuPage College. Three year I was full 23 time, part-time student finishing my associate degree in 24 health care.</p> |
| <p style="text-align: right;">Page 7</p> <p>1 If there's a question pending, you need to answer that 2 question, but then take a break -- whenever is how often 3 you want and whenever -- for whatever reason you want. 4 A Okay. 5 Q Is there any reason today why you can't testify 6 to the best of your ability? Are you on any medications 7 that might influence your memory or anything like that? 8 A No. 9 Q Okay. What year did you graduate high school? 10 A 1980. 11 Q Where did you go to high school? 12 A I went in my native country, Pakistan. 13 Q What year did you come to this country? 14 A In '91. 15 Q In 1991, what did you do after graduating high 16 school? 17 A I went to college -- 18 Q I'm sorry. I mean, before you get to college. 19 I know you went to College of DuPage in 1992. 20 A Right. 21 Q I'm asking between like 1980 and 1992, were you 22 a student, were you working? 23 A No. I was in transition coming from U.S. to 24 coming -- from Pakistan to coming in U.S., from my native</p> | <p style="text-align: right;">Page 9</p> <p>1 Q Before you keep going, let me just close the 2 loop on the education in Pakistan. What degree did you 3 get in Pakistan? 4 A I got a degree in -- they call it statistic 5 economics. They call it a BSC degree, but is basically 6 statistic, economics and math. So that's what I got 7 undergraduate from there. 8 Q Okay. And College of DuPage, you were there in 9 1992 to 1995? 10 A Right. 11 Q And you got a degree in health sciences? 12 A I got a degree in health science, two-year 13 degree. 14 Q And for a lawyer who doesn't know what that 15 means, what is a health sciences degree? What kind of 16 expertise -- 17 A It kind of open the door for me to go either in 18 health field like in medical industry like being a 19 therapist or being -- going in pharmacy school. Is open 20 it for me prereg, in other words -- if I want to go to 21 medical school or any -- any other medical industry so 22 that was basically health care industry, health care 23 associate degree was. So it is like a prereg for going 24 in medical school.</p> |

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1 Q To go to become a treater, a medical treater of
2 some kind?

3 A Some kind. Not exactly a doctor, but if I want
4 to go in pharmacy or if I want to go -- if I want to go
5 as a therapist is open the door for me.

6 Q So not like -- not like regulatory or public
7 policy education, it's substantive health care treater
8 kind of training?

9 A Yes.

10 Q Okay. And you got an associate's degree from
11 College of DuPage?

12 A Yes.

13 Q And the next schooling I see is in 2002. So
14 what did you do between 1995 and 2002?

15 A When immigrants in U.S. they have to support
16 themselves and their family and work and going to school
17 and college and kind of earning a living. So that's what
18 I was doing since '91, '92, doing different odd jobs or
19 trying to support myself, my family. And then I start
20 getting work -- got a job in hospital, I thought maybe I
21 will work in hospital.

22 And then I was able to 1996 -- I was able to
23 get in Abbott Laboratories, and that's where when I went
24 in Abbott Lab there was the opportunity for employees to

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1 go back in school as a part-time basis or full-time
2 basis. So I thought it was the opportunity for me to go
3 back and get undergraduate and graduate degree.

4 So after '95 health care I thought I was done
5 with education, but when I went back to work field
6 supporting myself and my family, I realized, one, this is
7 not enough education for me to feed myself and my family
8 and make a better living. I need to go back and
9 schooling. So I start talking with employer and the
10 college advisor, and that's how I went back in 2002 back
11 in undergraduate.

12 Q Okay. So it sounds -- if I got this right, it
13 sounded to me like right after you graduated from college
14 of DuPage you did some work maybe outside of your
15 professional training?

16 A Right.

17 Q To keep -- to pay the bills?

18 A Yes.

19 Q And -- But then you found a job at Abbott?

20 A Right.

21 Q And what was that job?

22 A That was a -- first I was a labeler, the people
23 who labels on the bottle and containers are those one
24 like a labeler. The exact title I don't remember, but

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1 basically it was job -- when bottle gets filled in the
2 filling area, in the clean area when it comes out, it has
3 to be the -- the machine does the label and I have to
4 start checking, making sure lot number and expiration
5 date shows properly and it meets the procedure. And then
6 I will take those one, put them back. So I was packing
7 it, the fill label. So they used to call it bar and fill
8 label. My title was a labeler. So I was labeling.

9 That's what my first job was in Abbott.

10 Q Okay. You weren't writing what's going on the
11 label, you were putting the label on the bottle?

12 A No, label machine was putting it. I was
13 checking, and when it was good, I would put them in the
14 box.

15 Q So you're quality control to make sure the
16 label got put on?

17 A Partially. But after me another quality person
18 would come and check it. I was the first line of quality
19 you can say, but at the same time, you can call me as a
20 labeler. That was my title, yeah.

21 Q Okay. But just to be clear in my head here,
22 you weren't responsible for what the label said --

23 A No. Lot number, expiration date and the
24 product name. I was responsible.

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1 Q But any instructions or disclaimers, that was
2 written by somebody else?

3 A I was responsible to put them in there, insert,
4 but I was not responsible to make sure it's correct
5 because it's given by incoming quality.

6 Q Okay. All right. So you're at Abbott doing
7 that, and then you said they had a program so you could
8 go back to college. And so were you still working at
9 Abbott --

10 A Yes.

11 Q -- when you went to Columbia College at
12 Missouri?

13 A Yes. By time that Abbott was transitioning to
14 Hospira, Abbott spun off in 2003, a company name -- one
15 of their division -- hospital division came into Hospira,
16 so I became automatically from Abbott to Hospira. So
17 same company, same job, same title, only the company got
18 spin off.

19 Q Okay. And -- Where was that located?

20 A That was in -- while I was working and spin off
21 happened I was in North Chicago in Abbott location.

22 Q So I take it then when you were going to
23 Columbia College, Missouri, you were going remotely?

24 A No. Physically actually they have off campus

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| <p style="text-align: right;">Page 14</p> <p>1 here in Lake County.</p> <p>2 Q Okay. And you graduated there in 2005 with a</p> <p>3 BA in business?</p> <p>4 A Yes.</p> <p>5 Q Okay. Any specialty?</p> <p>6 A Basically more taking finance classes and some</p> <p>7 accounting classes, but mainly business management</p> <p>8 classes.</p> <p>9 Q Okay. And while you were there you were</p> <p>10 continuing to work for Hospira?</p> <p>11 A Yes.</p> <p>12 Q And then in 2005 you go to Webster University?</p> <p>13 A That's correct.</p> <p>14 Q Still working for Hospira as well?</p> <p>15 A Yes.</p> <p>16 Q Okay. And from there you get an MBA?</p> <p>17 A Yes.</p> <p>18 Q Correct. And any specialty there like or any</p> <p>19 focus of what you were studying?</p> <p>20 A More management. Again, same accounting and</p> <p>21 finance classes, but main focus, management.</p> <p>22 Q Okay. Then I see -- The first thing I see in</p> <p>23 your interrogatory answers as a job at Abbott in 2011.</p> <p>24 So what did you do from 2007 to 2011? Was it still</p> | <p style="text-align: right;">Page 16</p> <p>1 everything is in that package, all regulation has been</p> <p>2 followed, all testing has been completed, all samples has</p> <p>3 been taken and all required for the external if there's</p> <p>4 third party has been met before I will sign off this</p> <p>5 package, this product is ready to release to warehouse</p> <p>6 and from warehouse to ship to the customer.</p> <p>7 Q Okay. So this still is a quality control kind</p> <p>8 of function?</p> <p>9 A Different role but, yes, within quality, yes.</p> <p>10 Q And at this point you're still not dealing with</p> <p>11 what -- deciding what the label should say, correct?</p> <p>12 A No, of course I know what this information is</p> <p>13 coming because when I'm releasing a product, at that time</p> <p>14 I know all in and out of that label, not only label, what</p> <p>15 procedure has been followed to have it correct label and</p> <p>16 all information.</p> <p>17 So as a labeler you have a limited</p> <p>18 responsibility to look two or three things or making sure</p> <p>19 those are correct before goes to the buyer. But when you</p> <p>20 are releasing it as auditor, you know entire about that</p> <p>21 product and making sure is all fully compliance according</p> <p>22 to the company's regulation and meet the customer and FDA</p> <p>23 regulation. So at that time I was -- I was fully aware</p> <p>24 of them what we are delivering it.</p> |
| <p style="text-align: right;">Page 15</p> <p>1 Hospira?</p> <p>2 A Still Hospira. Different position basically --</p> <p>3 is basically I was more after working as a labeler year</p> <p>4 and a half, I got promoted as a quality, line quality,</p> <p>5 the people who comes assembly line and they check the</p> <p>6 product. So I was a quality personnel, quality</p> <p>7 assurance, so online, and taking the sample, bringing to</p> <p>8 the lab and do some testing, integrity testing, but not a</p> <p>9 big thing, but mainly checking product online, making</p> <p>10 sure it's proper.</p> <p>11 At that time I started knowing more about</p> <p>12 product, and from there I was -- I was became auditor</p> <p>13 internally in hospital. So I got few little position</p> <p>14 promotion while I was going in school and while I was</p> <p>15 working at Abbott/Hospira.</p> <p>16 Q The other title you mentioned was auditor in</p> <p>17 there. What was the auditor role?</p> <p>18 A What auditor role this entire -- the entire</p> <p>19 product gets completed from beginning to end, and all of</p> <p>20 the testing has been completed, all results comes in</p> <p>21 there, there is a package comes, and they needed to be</p> <p>22 audit before they're release it. At that time it was</p> <p>23 used to take one packet maybe 30 days to release it, so I</p> <p>24 was as auditor to review that package and make sure</p> | <p style="text-align: right;">Page 17</p> <p>1 Q Okay. I may not be asking my question clearly</p> <p>2 enough. Let me try it another way.</p> <p>3 Were you the one as an auditor who chose what</p> <p>4 words would go on the label other than the lot number?</p> <p>5 A No. Is incoming, I do not create. I make</p> <p>6 sure what has been created. So that is incoming quality</p> <p>7 who creates the label, they are the one who are</p> <p>8 responsible what goes on the label. But where that</p> <p>9 information or wording is coming, I know exactly where</p> <p>10 it's coming from, and who is creating it. And like, for</p> <p>11 example, label has a hazard symbol I would know who is</p> <p>12 responsible, safety. They have to make sure those hazard</p> <p>13 symbols are correct before it would go. So at that time</p> <p>14 I will know how the -- across this product how everything</p> <p>15 goes from beginning to end. Maybe I'm not directly</p> <p>16 involved there, but I know where to go and get the</p> <p>17 correct information and verify the information and, of</p> <p>18 course, we have a procedure to follow.</p> <p>19 Q And it was your job to make sure that the label</p> <p>20 that went on the bottle was the label that the company</p> <p>21 wanted on the bottle?</p> <p>22 A Exactly as been issued, approved by incoming</p> <p>23 quality.</p> <p>24 Q Okay. And you were in that role until about</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 May of 2011 when you joined Abbott -- I guess you went 2 back to Abbott?</p> <p>3 A Actually from 2009 to -- 2009 to 2011 I was at 4 one company, I was working there, and then from there I 5 got back in Abbott as a contractor. This time as a 6 contractor consultant, 2011, at different location.</p> <p>7 Q So from 2009 to '11 you were not at Hospira or 8 Abbott, you were somewhere else?</p> <p>9 A Yes, yes.</p> <p>10 Q Where were you at?</p> <p>11 A That's Catalent, C-A-T-A-L-E-N-T, 12 Pharmaceutical. Catalent. Maybe now they call it 13 different name.</p> <p>14 Q C-A-T-A-L-A-N-T?</p> <p>15 A E-N-T. Catalent Pharmaceutical.</p> <p>16 Q And were you an auditor at that company as 17 well, or what were you doing there?</p> <p>18 A There was -- is a different setup. I was 19 basically assigned to certain project manager and making 20 sure their entire project from the beginning to the end 21 give them quality support. I was a quality, but not 22 auditor, but supporting them from project -- they was 23 doing feasibility testing. Feasibility is before product 24 will create it. So I was -- I was supporting them from</p> | <p style="text-align: right;">Page 20</p> <p>1 Q Okay. So just to get a clear answer on the 2 record, you were not responsible for the content of the 3 words that went on the label?</p> <p>4 A When you say content, what do you mean by that 5 exactly? I'm trying to understand. I think we talk this 6 one several times. I would like to know what you mean by 7 content.</p> <p>8 Q So -- Well, let's break it down. What goes on 9 a label?</p> <p>10 A Label will goes instruction, what this product 11 is, product name. I mean, I can give you some 12 information and maybe you can -- product name, this 13 number, lot number, serial number.</p> <p>14 Q Were you --</p> <p>15 A Those kind of things goes. Depend which kind 16 of label is. If you let me know exactly which kind of 17 label it is might I will be little more helpful there.</p> <p>18 Q Let's do it this way. What content were you 19 responsible for putting on a label?</p> <p>20 A Label all content which is critical, everything 21 is go, but is not at that point my job is the -- my job 22 was not to verify every single thing which goes on label. 23 Another person would be verifying it.</p> <p>24 As a labeler, my job is the same product, same</p> |
| <p style="text-align: right;">Page 19</p> <p>1 feasibility testing to launch product. So R & D side, 2 research and development, but supporting the product.</p> <p>3 I was not a project manager, I was not dealing 4 with a customer directly. I was supporting them as a 5 quality, make sure everything has been internally 6 followed before it will release to the customer.</p> <p>7 Q I think you -- I may have lost it, but I think 8 used the word visibility.</p> <p>9 A Feasibility. Feasibility.</p> <p>10 Q Oh, feasibility. Okay. So feasibility --</p> <p>11 A Is just playing around with the solution and 12 figuring out what they can make with that one.</p> <p>13 Q In terms of the manufacturing process?</p> <p>14 A Different -- yes, prior testing.</p> <p>15 Q Not involved with labels at that point?</p> <p>16 A No. All steps when project manager -- there 17 are label comes as part of them, but I was involved from 18 beginning to the end of the product.</p> <p>19 Q Let me try it this way. Were -- while you were 20 at Catalent, were you responsible for deciding what words 21 went on labels?</p> <p>22 A Label comes from incoming. My job is the same 23 product and same label is on there and that information 24 is correct there.</p> | <p style="text-align: right;">Page 21</p> <p>1 label is on there and same information which needed to be 2 there is accurate. So there is a list which the people 3 who review the label, they do the checklist, and they 4 sign it, there's documentation, trail comes, hey I 5 verified this information, it's correct, that goes in the 6 package. Because, remember, at that point I was 7 supporting a project manager. I was not physically going 8 from point A to B, to C to D to do myself thing. I was 9 making sure everyone is doing things according to the 10 regulation and procedure.</p> <p>11 Q One of the things that you said goes on a label 12 is instructions.</p> <p>13 A Instruction -- that would be on the label, and 14 sometimes it's the IFU, information for use, an insert 15 what we call it, that also. Sometimes both are in there.</p> <p>16 Is again -- is depend on the product.</p> <p>17 Q Okay. But when there are instructions on a 18 label, were you the one that chose what words those 19 instructions contained?</p> <p>20 A Incoming quality labeling is responsible. No 21 one anywhere and the one who prints it on there, only the 22 printed the lot number and expiration date on the line. 23 Everything comes pre-printed which has been approved by 24 incoming quality labeling team.</p> |

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|---|--|
| <p style="text-align: right;">Page 22</p> <p>1 Q And you were not responsible for getting that 2 language approved?</p> <p>3 A I was not. Proofreading done with someone 4 else, but my job is making sure the bottle and the name 5 of the product is the same according to the process. 6 Because is not only a label, simple label, is entire 7 package which you need to follow.</p> <p>8 Label is just a little piece of entire big 9 process. So label -- label is just a one step out of 10 entire beginning of the process from where the product 11 starts, how it comes in, at what stage, is it one little 12 stage to have a label in there, and there are group who 13 verifies it. And you as a release our project manager is 14 responsible to have that information correct. So when 15 product goes out the door, whoever was involved in that 16 product make -- they make sure this is the same product 17 what we really want to sell to the customer.</p> <p>18 So labeling I would take as a very, very minor 19 piece of this entire project because there's a lot more 20 goes before and lot more goes happens after the label 21 puts on.</p> <p>22 Q Were these products -- I'm talking at Catalent 23 still. Were these products destined for the EU market? 24 A There was third party. I was not familiar. I</p> | <p style="text-align: right;">Page 24</p> <p>1 time?</p> <p>2 A No, and I think it was not even while 3 introduced by government that we need to follow EU. EU 4 came regulation which came to attention to U.S. 5 government around 2015 -- 2011 and then go on to 2016, 6 there are some things that happen, please do -- I do not 7 have the understanding of what makes them that they have 8 to have a certain way of EU that would less insured.</p> <p>9 EU regulation, they call it MDR regulation, 10 745, 746 number. That came in 2016, and that's why 11 everybody -- every corporation is by law they have to 12 follow that regulation. So the EU came where you kind of 13 pointing, if I understand your question correctly, that 14 came in visibility in -- while later on. While I was in 15 -- at Catalent, EU was -- I was not familiar with EU or 16 EU regulation.</p> <p>17 Q Was it part of your job at Catalent to be a 18 subject matter expert on any labeling regulations from 19 any country?</p> <p>20 A Again, I was supporting it entire process to 21 the project manager. Directly, no, I was not responsible 22 for any EU country's -- on any party's responsibility 23 because there was upper management who was dealing with 24 third party. Again, that was the third party contracting</p> |
| <p style="text-align: right;">Page 23</p> <p>1 don't think so. There was internally and how they were 2 market outside which country they have a contract. Our 3 job was to give -- that's basically -- it was a project 4 manager and the third party. That's a confidential 5 contract. That's another separate thing which not 6 everybody had. The product is ready for the project 7 manager, and from there project manager and the third 8 party contractor. They are the one -- or the program 9 managers, they decided how they sell it, where they 10 market it.</p> <p>11 It's not our job to go after and knowing it -- 12 that where they are selling it, if they are selling it 13 anywhere rest of the world, they are selling in Europe, 14 they are selling in U.S.</p> <p>15 Q So on any given product coming down the line, 16 you're not aware of where it's going to be sold?</p> <p>17 A If that is clearly it says who is the legal 18 manufacturer and who is authorized representative, then I 19 would know it exactly who is manufacturing, who is 20 authorized representative.</p> <p>21 Q Can -- Are you saying authorizing --</p> <p>22 A Authorized representative.</p> <p>23 Q In your job at Catalent, did you have knowledge 24 and expertise about EU labeling requirements at that</p> | <p style="text-align: right;">Page 25</p> <p>1 company.</p> <p>2 Q So at Catalent, you did not consider yourself a 3 subject matter expert on labeling regulations in any 4 country?</p> <p>5 A For U.S. FDA, because we follow our procedure, 6 according to the FDA regulation, so that's given what we 7 are doing it, we are following according to the FDA 8 regulation.</p> <p>9 Q So at Catalent while you were there, you 10 considered yourself an expert on using labeling 11 requirements --</p> <p>12 A I would not say expert because expert is giving 13 a specialized. When I'm -- my role was project manager 14 looking at supportive role as a quality, I will not call 15 it because I need to get involved in every single piece 16 of that one. So I would not call it a subject matter 17 expert, but I will definitely call it I was a subject 18 matter expert of the process which goes from R & D 19 product.</p> <p>20 Q So while you were at Catalent, did anyone ever 21 ask you what warnings or instructions should be included 22 on any given drugs' labels and inserts?</p> <p>23 A Again, it was given by incoming quality.</p> <p>24 Q So no?</p> |

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1 A I would -- you know what, I would verify
 2 information which making sure is critical for that
 3 product, but, again, this product was coming from as
 4 incoming quality, and we trust because they verify, they
 5 will sign their document, this is the label, is correct
 6 label.
 7 Q So when -- You're calling it incoming. Is that
 8 what you're calling it?
 9 A Yes, incoming quality. Incoming quality we
 10 would receive all kind of materials, they checks in the
 11 whole department, and they checks which product, which
 12 label, which solution, which bottle, which cap, which
 13 commodity has to go with which quote and which product.
 14 Q So while you were at Catalent, it was not your
 15 job to check what was -- what words were included and
 16 instructions and warnings on labels and inserts and tell
 17 somebody how to revise them, was it?
 18 A I was not in the process -- I was not a person
 19 who was updating those procedure and those instruction.
 20 Q So it wasn't part of your job to be familiar
 21 with regulations about drug labeling?
 22 A You need to know the regulation to perform the
 23 job that this information is correct, the product which
 24 is -- at that time is in question. But how this

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1 procedure has been updated, who updated, which label
 2 goes -- label is a production of basically comes from
 3 different procedure and regulation. That is a -- is done
 4 by another group, just like I say, income quality and the
 5 regulatory team, they confirm it and they sign for it,
 6 this is good to go for this product. But my job is to
 7 still check making sure this information is correct.
 8 Q So you considered it your job to check that the
 9 incoming group decided the correct words to put on the
 10 labels when they told you what to put on the labels?
 11 A Yes, but I do not put the label. I would just
 12 look at make sure this information is on the label, this
 13 is the same product name, this is the lot number,
 14 expiration date, but I would not -- I would not look at
 15 every single detail what is in there because somebody
 16 already approved it.
 17 If label comes to me approved and somebody
 18 takes the responsibility, this has been approved, do I
 19 need to go and do his job again? At that point I have to
 20 do my job, which is according to my job description and
 21 my procedure, I need to follow it.
 22 Q So if I'm following you correctly, you never
 23 sent edits back to the incoming group that did the
 24 labels?

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1 A If the label is incorrect, the name is
 2 different and the product is different, of course that is
 3 going to go back and they going to go through the
 4 production process.
 5 Q Did you ever tell them they got a warning
 6 wrong?
 7 A Is possibility there many times they have maybe
 8 the lot number is wrong, expiration date -- critical
 9 warning is -- name is incorrect, maybe they send wrong
 10 commodity to us. At that point our growth project team
 11 will send back to that, say, hey, you know, you have
 12 incorrect commodity. Could you guys please correct it?
 13 They used call label as commodity also, just like bottle,
 14 caps, and those things. So this commodity is incorrect,
 15 your label commodity, please check and verify. The
 16 number of rows are not enough, you need to issue more row
 17 to us, those kind of things are ongoing process, but I'm
 18 not -- at that point I'm not directly involved with
 19 asking them -- that's assembly line.
 20 Remember, my labeler job 1992, '93 when I was
 21 -- when I start working in at Abbott in '96 at that time
 22 I was doing it. Now my job is to make sure those people
 23 done their job accurately and they follow the procedure
 24 and I will know which procedure they are looking at.

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1 It's a big process labeling just like I'm going
 2 back through the same thing. Labeling is just a
 3 commodity is very simple, one step in the whole big
 4 process.
 5 Q All right. May of 2011 you joined or rejoined
 6 Abbott?
 7 A Yes, that's correct.
 8 Q You were a CAPA specialist?
 9 A Yes, CAPA specialist.
 10 Q What is that?
 11 A Corrective action, preventive action.
 12 Q Corrective action --
 13 A Preventive action.
 14 Q Preventive action?
 15 A Yes, CAPA.
 16 Q Corrective action, protective action. That
 17 seems redundant. Did I get that wrong?
 18 A No. Corrective action. Preventive action.
 19 First correct it and then prevent it. That issued that
 20 -- that issue come back again.
 21 Q Okay. Would you describe for me what that
 22 actually means? What did you do?
 23 A So that was a very short period of time -- my
 24 role was is basically when something goes wrong, and this

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| <p style="text-align: right;">Page 30</p> <p>1 thing -- this is the ongoing issue, what they do in their 2 system, they open a CAPA, corrective/preventive, then all 3 that similar issue, they put them under that umbrella. 4 And now before me getting too much in detail, they call 5 it child CAPA. One is parent CAPA, one -- then there are 6 so many child CAPA which is a different product fall 7 under there. 8 So what they do, the bigger issue, why is 9 created there are so many children out there, child CAPA 10 products, they put them under one umbrella, and they show 11 if the government audit comes in and they say, oh, we are 12 acknowledging this issue and this issue we will correct 13 it, and look at that where we are standing. We are 14 already getting interview from other people asking their 15 input, asking technical opinion, and we are in the 16 process of correcting. CAPA goes for years. So I was a 17 CAPA specialist, our technician -- supportive role 18 gathering information for the CAPA owner. 19 Q So to put it in simple terms that I can 20 understand, your job was when something went wrong, your 21 job was to deal with correcting it? 22 A Has already been maybe wrong. When I came in, 23 I just start supporting it. Hey, for this one, for this 24 child CAPA you need to go and conduct interview for</p> | <p style="text-align: right;">Page 32</p> <p>1 let's look at all filling line 20 lines and see how other 2 filling line are doing it, are they have the same issue 3 or that need to be? So when the issue comes in there, 4 they take it as a corrective action and then they fix 5 that one and then they make sure they will put in process 6 in place then going forward they -- this issue won't come 7 again. 8 So that's what -- it is a group. It is a team. 9 It is not a one person thing to manage the CAPA. Again, 10 CAPA is managed by different people and different groups. 11 Q You were in this CAPA role from May to October 12 of 2011? 13 A Yeah. 14 Q This is one of those examples I told you I was 15 going to come back to when you -- 16 A I nodded. Yes. Sorry. I read it actually 17 that one you should say yes. 18 Q Thank you. Good. All right. It's easier to 19 remember when I call it out when it happens. Great. 20 While in the CAPA role, did you deal with 21 any -- I guess CAPA is a noun here, but did you deal with 22 a CAPA related to labeling? 23 A I would -- you know what, I could not recall it 24 at this time.</p> |
| <p style="text-align: right;">Page 31</p> <p>1 Mr. Richard, for example. This one, you go and talk with 2 someone and ask, hey, what technical went wrong and how 3 we can improve it. So my job was as going to the people 4 asking question, hey, what went wrong here and what your 5 thoughts are how we can correct it. And conduct their 6 interview to write it down and then present it to the 7 CAPA owner. 8 Q Can you give us a concrete example of something 9 that went wrong and that you went and fixed? 10 A For example, a filling room has a septic 11 contamination issue going on. Filling room is getting -- 12 before they fill the product, it got contaminated. I'm 13 using it as an example. There are many things. And they 14 say, you know what, why this contamination happened? How 15 big is this contamination? They kind of first look at 16 the whole issue, and at that point they will say, okay, 17 you know, this issue is -- is a huge -- which size, is 18 mid size or small, and at that point, they will open a 19 CAPA in the system and see how many product or how many 20 lot has been impacted, then they will start evaluating 21 those one. 22 So there are many things could be happen. 23 Maybe, you know, one of the valve is not working 24 properly, and then they will take that one and they say</p> | <p style="text-align: right;">Page 33</p> <p>1 Q Okay. October then of 2011 you shift roles 2 within Abbott to -- what is it? Quality documentation 3 compliance specialist professional. Long name. Did I 4 get that right? 5 A Yes. 6 Q What is your actual role to a layman? What did 7 you do? 8 A At that point I -- because it was a different 9 division, Abbott molecular, their product and start 10 reviewing their procedure. So basically what the 11 procedure on site was there, I was looking at and 12 reviewing it and seeing at how we can work on that and 13 improve on that one. So I was -- doing it -- going 14 through their procedure and processing and seeing what 15 can be improved. I was a consultant. 16 Q So basically the manufacturing process itself? 17 A Yes. The manufacturing -- where the other 18 project goes into this procedure, they will assign it 19 some procedure and say, look into it and see what can be 20 done. If you find errors in the process or procedure, if 21 you think you notice some process need to be improved, 22 bring it up to our attention. 23 Q Okay. You were in that role it looks like for 24 about a year and two months. Until December of 2012?</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 A Yes.</p> <p>2 Q During that time period, do you recall dealing</p> <p>3 with issues concerning labeling?</p> <p>4 A I will not recall. It been a while, but when</p> <p>5 we look procedure and process, everything comes, labs</p> <p>6 come, labels come there, manufacturing line comes, CAPA</p> <p>7 line comes, everything comes it. So I will not recall</p> <p>8 exactly, but definitely, directly or indirectly, I'm</p> <p>9 always involved with the label.</p> <p>10 Q But today you don't recall anything specific</p> <p>11 you dealt with regarding labeling in --</p> <p>12 A If you were to ask me, hey, you know, give me</p> <p>13 example which processes you work on that one, I will not</p> <p>14 recall it exactly what process. I was going through many</p> <p>15 process and procedure. In other words, I was looking at</p> <p>16 all type of procedure and process, and when procedure</p> <p>17 review it, the labeling comes in there. Just a little</p> <p>18 piece of the puzzle, label.</p> <p>19 Q But as you sit here today, you don't remember a</p> <p>20 specific labeling issue that you dealt with?</p> <p>21 A Over there I done -- dealt a little when I went</p> <p>22 to their team who needed some kind of support to improve</p> <p>23 their label, but I do not recall that detail at this</p> <p>24 time.</p> | <p style="text-align: right;">Page 36</p> <p>1 it, everybody who is part of manufacturing, directly or</p> <p>2 indirectly, they are related to the label.</p> <p>3 Q So in the -- in the period when you're a</p> <p>4 quality documentation compliance specialist professional,</p> <p>5 did you consider yourself to be an expert on labeling</p> <p>6 laws and requirements in any country?</p> <p>7 A If I'm looking that particular procedure for</p> <p>8 the label, yes, then I would say, but --</p> <p>9 Q What particular procedure?</p> <p>10 A I mean, if their procedure talks about the</p> <p>11 label, then I will definitely -- I would definitely talk</p> <p>12 about say, hey, you know what, this is the procedure,</p> <p>13 this procedure portend to this product, this product has</p> <p>14 this many label.</p> <p>15 Q All right. Let me be clear. I'm asking you</p> <p>16 whether you considered yourself an expert on the laws</p> <p>17 regarding labeling in any country during that time</p> <p>18 period?</p> <p>19 A At that time, no. I would say no my answer is</p> <p>20 not expert, but in their procedure, yes. I was getting</p> <p>21 expert on their internal procedure, but not for the</p> <p>22 country, no.</p> <p>23 Q So in terms of process?</p> <p>24 A In their process, internal procedure, I was</p> |
| <p style="text-align: right;">Page 35</p> <p>1 Q Was -- The example you just gave, was that in</p> <p>2 this role as quality documentation compliance specialist</p> <p>3 professional or --</p> <p>4 A Yes -- It will be all procedure, procedure and</p> <p>5 process. That was my role was there. So label is part</p> <p>6 and procedure and process.</p> <p>7 Q So let me try to be clear on this. From</p> <p>8 October of 2011 to December of 2012 when you were a</p> <p>9 quality documentation compliance specialist professional,</p> <p>10 do you recall a specific instance of dealing with a</p> <p>11 labeling issue?</p> <p>12 A I will not recall exact example of that one,</p> <p>13 but if there's a procedure is regarding a label, I will</p> <p>14 definitely look the label because the labels are embedded</p> <p>15 in procedure. I will look the label and say, oh, you</p> <p>16 know, they're talking about this product, and this is the</p> <p>17 label looks like, and that's how it goes on the bottle or</p> <p>18 the capsule or whatever that goes. I will tell it, hey,</p> <p>19 you know, this is the procedure but -- so, yes, will --</p> <p>20 when I'm going through the procedure, I could not recall</p> <p>21 exactly but, yes, labeling is always -- every time when</p> <p>22 we talk about manufacturing procedure, labeling is</p> <p>23 included directly or indirectly. Let me say that one.</p> <p>24 Anything related to manufacturing when comes</p> | <p style="text-align: right;">Page 37</p> <p>1 expert of that one, yes.</p> <p>2 Can we take a break?</p> <p>3 MR. LIDBURY: Sure.</p> <p>4 THE WITNESS: My sore throat is getting dry now.</p> <p>5 It's okay we can take a break now?</p> <p>6 MR. LIDBURY: Whenever you want.</p> <p>7 THE VIDEOGRAPHER: This is the end of media 1.</p> <p>8 We're going off the record. The time is 10:58 a.m.</p> <p>9 (Off the record)</p> <p>10 THE VIDEOGRAPHER: This is the start of media 2. We</p> <p>11 are going on the record. The time is 11:14 a.m.</p> <p>12 MR. LIDBURY: Q Okay. Did you have a nice break?</p> <p>13 A Yep, it was good. Thank you.</p> <p>14 Q Welcome back. I think we finished up the</p> <p>15 quality documentation compliance specialist professional</p> <p>16 role, and I want to move on to the next one. Say January</p> <p>17 of 2013 to February of 2015, still at Abbott, you were a</p> <p>18 QA specialist, is that right?</p> <p>19 A Right.</p> <p>20 Q And what did you do in that role?</p> <p>21 A In that role I was again looking the procedure</p> <p>22 and start helping a special -- a project, there was some</p> <p>23 product needed for -- for Wiesbaden I believe in Germany.</p> <p>24 Q I would need that spelled.</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 MR. GONZALEZ: The city in Germany.</p> <p>2 THE WITNESS: They needed some product and they</p> <p>3 wanted me to kind of look their process, procedure and</p> <p>4 see how many products goes in that country and give them</p> <p>5 the product list number. So I was gathering data for</p> <p>6 that team, yes.</p> <p>7 MR. LIDBURY: Q I feel like an idiot, but I don't</p> <p>8 understand what that means. You were -- Was this related</p> <p>9 to manufacturing or is this some other role?</p> <p>10 A It is in manufacturing, but it is looking at --</p> <p>11 particular country which product goes in there, like the</p> <p>12 sales there.</p> <p>13 Q So you were doing some kind of project to track</p> <p>14 what products are going into a particular place in</p> <p>15 Germany?</p> <p>16 A Right.</p> <p>17 Q Okay. That -- you were in that role for over 2</p> <p>18 years. I'm guessing there was more than that one</p> <p>19 question about what's going into a particular city in,</p> <p>20 Germany or is it the whole time?</p> <p>21 A Then there was start looking at the product</p> <p>22 which they going to be doing it for FDA readiness for the</p> <p>23 compliance, like having 2D bar code is there, those kind</p> <p>24 of things. So label -- there was label product was going</p> | <p style="text-align: right;">Page 40</p> <p>1 February to August of 2015, correct?</p> <p>2 A Right.</p> <p>3 Q And so during that time you were doing</p> <p>4 something with respect to getting 2D bar codes</p> <p>5 implemented into the process of manufacturing?</p> <p>6 A Yes, start under -- yes, exactly, so with codes</p> <p>7 entered, yes.</p> <p>8 Q I got something right finally. Who -- who was</p> <p>9 -- Who did you report to within Baxter, not an HCL</p> <p>10 employee at that point, but, like, who within Baxter were</p> <p>11 you working for?</p> <p>12 A Is -- there was multiple people who was</p> <p>13 managing it. That was a Jeff Birmingham. I do not</p> <p>14 recall the last name. Birmingham. Jeff Birmingham. He</p> <p>15 was the project manager for that.</p> <p>16 Q And who within HCL were you reporting to at</p> <p>17 that time?</p> <p>18 A At that time I was reporting to Tamil. I don't</p> <p>19 know -- sorry, apologize, I don't know their full name,</p> <p>20 but the person who used to go by the name Tamil,</p> <p>21 T-A-M-I-L. Tamil. Then also there's another person from</p> <p>22 HCL. Again, person will go by the name of Chitti Babu.</p> <p>23 I can spell for you C-H-I-T-T-I, B-A-B-U, Babu. Chitti</p> <p>24 Babu.</p> |
| <p style="text-align: right;">Page 39</p> <p>1 on and they ask me to support them to make sure this</p> <p>2 information is correct for that particular country.</p> <p>3 Q So you were at this -- in this role, QA</p> <p>4 specialist, were you responsible for providing content</p> <p>5 for labels?</p> <p>6 A I was verifying the content.</p> <p>7 Q So another group approves the labels, and</p> <p>8 you're verifying that it's what they approved?</p> <p>9 A For that country, yes.</p> <p>10 Q All right. I think that takes us to your time</p> <p>11 at HCL. February of 2015 you joined HCL?</p> <p>12 A That's correct.</p> <p>13 Q You're working within Baxter -- you're employed</p> <p>14 by HCL, but working at Baxter?</p> <p>15 A Baxter was client, yes.</p> <p>16 Q You're on site at Baxter?</p> <p>17 A Yes.</p> <p>18 Q And your first role was there UDI specialist</p> <p>19 professional. What is that role?</p> <p>20 A That role was -- Basically there was an</p> <p>21 initiative from the government that -- putting their</p> <p>22 product, just like I mentioned earlier, 2D bar code, that</p> <p>23 they can track the product from beginning to the end.</p> <p>24 Q This first role at HCL/Baxter goes from</p> | <p style="text-align: right;">Page 41</p> <p>1 Q I saw that name in there -- did you get that?</p> <p>2 Are you okay?</p> <p>3 A I see internally them. The program manager was</p> <p>4 at that time Jeff Birmingham/Gary. There was another guy</p> <p>5 name was Gary. I do not remember his last name. He</p> <p>6 wrote us a good thank you letter also at one point, but</p> <p>7 Gary his name. Gary, Baxter. And --</p> <p>8 Q I think I can help you on this one. Is it Gary</p> <p>9 Gheradini?</p> <p>10 A Yes, that's the last name. He was the project</p> <p>11 manager. The program manager was Jeff Birmingham.</p> <p>12 Q Okay. Just for the court reporter it's</p> <p>13 G-H-E-R-A-D-I-N-I.</p> <p>14 A He was like overarch our entire project, Jeff</p> <p>15 was looking at.</p> <p>16 Q All right. You mentioned Tamil. I'm going to</p> <p>17 say the whole name and spell it for the court reporter.</p> <p>18 You tell me if it sounds like the Tamil you're talking</p> <p>19 about. Tamilnambi Arunachalam, T-A-M-I-L-N-A-M-B-I,</p> <p>20 A-R-U-N-A-C-H-A-L-A-M.</p> <p>21 Does that sound like the name you're talking</p> <p>22 about?</p> <p>23 A Sound like. I will not remember his spelling,</p> <p>24 yes.</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 Q I don't remember if you mentioned Susan Trost. 2 Did you mention her? 3 A That will be when ever after six months I 4 became quality engineer. While I work six months, they 5 were really impressed with my knowledge, and they 6 promoted me as a quality engineer for the same project, 7 different roles, they a higher role, Susan Trost was 8 manager as include Baxter, and she hired me as a -- as a 9 quality engineer still working for HCL, but she was the 10 client. Baxter client was Susan Trost. 11 Q And she works for Baxter? 12 A She works for Baxter. 13 Q Not HCL contracted to Baxter, but -- 14 A Yes. 15 Q Okay. And same thing with Tamil, she's an 16 actual Baxter employee? 17 A Tamil, T-A-M-I-L? 18 Q T-A-M-I-L. 19 A Tamil is HCL. 20 Q Tamil is HCL. Okay. I don't know if this is 21 an error, or if there's a gap I noticed, but it looks 22 like you stopped being the UDI specialist professional in 23 August of 2015, and I don't have a new role until 24 November of 2015. Was there a gap or --</p> | <p style="text-align: right;">Page 44</p> <p>1 different role than my role as a quality engineer. I 2 will look the product and approve it according to the 3 procedure. 4 Q This is like good manufacturing procedures or 5 something that you're -- 6 A All of them are included, yes. 7 Q Okay. I don't know if I can find it in here, 8 but you mentioned somewhere in your answers to written 9 discovery a person named Pranesh, but you didn't list a 10 last name. Do you remember a Pranesh? 11 A Yes, par -- Sorry. I could not call it the. 12 Last name is long, but you will be able to find it. His 13 name Pranesh. That's I move and they started EU MDR 14 project. At that time my reporting from Tamil and Chitti 15 Babu to -- went to Pranesh. P-R-A-N-E-S-H. But please 16 do not count as full name as they go by their short name. 17 That's all I'm familiar. 18 Q So that's short -- is that the first name or 19 last name? 20 A I assume it's first name Pranesh, but there 21 could be a full name. He never said it. 22 Q So in -- I don't want to have to show this to 23 you if I don't, but do you recall answering some written 24 interrogatories that we sent over to your lawyer asking</p> |
| <p style="text-align: right;">Page 43</p> <p>1 A No, it was continuation. I supported them as a 2 UDI specialist, looking at the bar code, then they saw my 3 performance at job and they say, okay, this person can do 4 -- bring more on the table, and they hired me as -- 5 within the same project as a quality engineer. And Susan 6 Trost hired me within the same team. 7 Q You don't remember taking like a two-month gap 8 for vacation or -- 9 A No, it was continuous from one job to another. 10 This one the next one. 11 Q Someone must have just got some of the details 12 wrong on your interrogatory answers. So that's fine. 13 All right. So I've got from November of 2015 14 to November of 2017 you're also UDI specialist 15 professional, but is this where you're talking about 16 where you got that promotion. 17 A Yes. 18 Q And you're working now for Susan Trost in that 19 role? 20 A At that time, yes. 21 Q Okay. Was it -- was the role similar to what 22 you've already described you were doing or different? 23 A As quality engineer basically approving their 24 documentation and change control process, there is a</p> | <p style="text-align: right;">Page 45</p> <p>1 you some questions? 2 A Yes. 3 Q Not a hard one. In the answer that your lawyer 4 gave to us, it says that from November 2015 to November 5 of 2017 you were a UDI specialist professional at Baxter 6 International, Round Lake, and your supervisors were 7 Pranesh and Chitti Babu. So they were both your 8 supervisors? 9 A They were supervisor from HCL. I think 10 Pranesh -- if I recall correctly, Pranesh took over 11 Tamil's responsibility. 12 Q Okay. And in this -- in this role where you're 13 being supervised by Pranesh and -- Can I just say Chitti? 14 A Yes. 15 Q Okay. Are you now working on the MDR EU 16 regulations updating labels? 17 A No, not updating label. Still looking through 18 their regulation process and procedure. 19 Q You're still on kind of the manufacturing -- 20 good manufacturing processes role? 21 A Exactly, role, yes. 22 Q Then September of 2017 is when you say you 23 joined the EU MDR -- you say you became a quality and 24 regulatory compliance EU MDR specialist at that time.</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 Out loud again.</p> <p>2 A Yes. That's -- yes. Sorry. Yes. That's</p> <p>3 exactly right.</p> <p>4 Q Okay. All right. And at this point you listed</p> <p>5 your supervisors as Prakash Chapain and Michael Belmont?</p> <p>6 A That started in what year again?</p> <p>7 Q It says September of 2015 is when you started</p> <p>8 that role.</p> <p>9 A Role I started it. They did not became my</p> <p>10 supervisor Prakash Chapain until later 2019, June or July</p> <p>11 of 2019.</p> <p>12 Q Who was your supervisor at the beginning?</p> <p>13 A Pranesh -- Pranesh brought me in EU MDR. This</p> <p>14 is the thing. On umbrella, all this starting 2015, Jeff</p> <p>15 Birmingham is the main program manager. Let me</p> <p>16 distinguish program manager. He's overarching. So my</p> <p>17 role was within the project different phases was moving</p> <p>18 it. That's all.</p> <p>19 Q Okay. I think I follow you. So in 2017 your</p> <p>20 title changes, but you're still kind of on the</p> <p>21 manufacturing processes side under Jeff did you say?</p> <p>22 A Jeff Birmingham, yep.</p> <p>23 Q But then in 2019 you become -- you become on</p> <p>24 the labeling project?</p> | <p style="text-align: right;">Page 48</p> <p>1 review his work and I will approve. And if something</p> <p>2 need to be corrected, he was not the only change control</p> <p>3 there was. There was many change control owner was</p> <p>4 there. So at those into interaction I had it before</p> <p>5 2019.</p> <p>6 Q Okay. And I take it at that point both you and</p> <p>7 Prakash are working on the manufacturing processes side?</p> <p>8 A Yes, at that time, regulatory side, yes.</p> <p>9 Q Okay. Mike Belmont. You said you had seen him</p> <p>10 around, but did you ever work with Mike Belmont before</p> <p>11 2019?</p> <p>12 A Yes. And I don't know how long ago he was</p> <p>13 hired. He was new hire. Maybe he came in early part of</p> <p>14 2019 and 2019 June, maybe July, he became my manager. I</p> <p>15 could not recall when he started at HCL. I saw in the</p> <p>16 building. In the building, you know, you walk it and see</p> <p>17 in the hallway.</p> <p>18 Q You knew him as a person that also worked</p> <p>19 there?</p> <p>20 A Yes.</p> <p>21 Q But you didn't work with him?</p> <p>22 A Yes.</p> <p>23 Q All right. Let's talk about when you became --</p> <p>24 in July-ish of 2019 when you start working on the</p> |
| <p style="text-align: right;">Page 47</p> <p>1 A 2019, July, June, July, sometime like that. I</p> <p>2 could not recall exact month.</p> <p>3 Q All right. That's when Prakash Chapain and</p> <p>4 Michael Belmont become your supervisor?</p> <p>5 A At that time first time I had direct</p> <p>6 interaction with them. I knew them, but at that time I</p> <p>7 have direct interaction with them, yes.</p> <p>8 Q Had you and Prakash worked -- worked sort of</p> <p>9 together before 2019?</p> <p>10 A Yes, before 2019. When I started 2015, '16 --</p> <p>11 when I started at HCL, I do not recall exact the month,</p> <p>12 Tamil assigned me one side project, verification document</p> <p>13 I believe, and he asked Prakash to support me provide</p> <p>14 document. At that time Prakash was kind of helping me,</p> <p>15 not reporting to me, helping me bringing those document</p> <p>16 asking questions of people, and then later on when I was</p> <p>17 a quality engineer, at that time he was --</p> <p>18 Q A quality what?</p> <p>19 A Quality engineering. Yeah. Same role. At</p> <p>20 that time he was in the labeling change control owner.</p> <p>21 So he was creating the change, and I was approving in the</p> <p>22 system. Not reporting to me, not I'm reporting to him.</p> <p>23 Within HCL he was playing a different role, creating a</p> <p>24 change control in the system, and I will go and I will</p> | <p style="text-align: right;">Page 49</p> <p>1 labeling team -- Can I call it the labeling team --</p> <p>2 A Yes. Basically -- actually falls under</p> <p>3 umbrella for regulatory, regulatory affair for EU,</p> <p>4 European country, that's -- and with that there is a</p> <p>5 little piece is labeling. Let's say regulation, you</p> <p>6 follow regulation, regulation trickle down. So let me --</p> <p>7 giving so much technology, technical language, wording, I</p> <p>8 will just say regulatory, label falls under regulatory</p> <p>9 affairs, European regularly affairs.</p> <p>10 Q Again, so there's much more going on, but you</p> <p>11 -- in July of 2019 you started working on revising labels</p> <p>12 for -- to comply with EU regulations, is that right?</p> <p>13 A Yes, EU -- label redlining documents and</p> <p>14 following EU regulation. Redline cannot be done if you</p> <p>15 don't look the procedure internally and European</p> <p>16 regulation. So I'm going at European regulation,</p> <p>17 following it, then internal country's regulation, and</p> <p>18 then following, yes, that's correct.</p> <p>19 Q You said it earlier, in 2016 or thereabouts,</p> <p>20 the EU passed some new rules about labels?</p> <p>21 A Yes.</p> <p>22 Q There was some time period for people to get</p> <p>23 into compliance.</p> <p>24 A Yes --</p> |

| | |
|--|--|
| <p style="text-align: right;">Page 50</p> <p>1 Q Say yes.</p> <p>2 A Yes. Sorry. I forgot, yes.</p> <p>3 Q Okay. And then it was your -- you, among other</p> <p>4 people, were on a labeling team -- I'm calling it a label</p> <p>5 team whose job was it was to get those labels in</p> <p>6 compliance with the new rules?</p> <p>7 A Redline and send it to the labeling team. My</p> <p>8 job was redlining document then it goes to labeling team</p> <p>9 is a separate group.</p> <p>10 Q Who is the labeling team then?</p> <p>11 A Within Baxter and HCL another team.</p> <p>12 Q Is that Cheryl Bork's group?</p> <p>13 A No, not Cheryl Bork's group. This is some</p> <p>14 other person. I don't know who was the manager there,</p> <p>15 but labeling is a separate group, for still under EU MDR.</p> <p>16 Q So if I'm following you, what you're saying the</p> <p>17 group you were working with after July of 2019 was not</p> <p>18 the final say, you guys were making recommendations that</p> <p>19 would then go up to some other group?</p> <p>20 A Yes. Exactly, yes, that's correct. Let me say</p> <p>21 it over, yes.</p> <p>22 Q Thank you. I appreciate that. The court</p> <p>23 reporter appreciates that.</p> <p>24 Who was Michael Chellson, C-H-E-L-L-S-O-N?</p> | <p style="text-align: right;">Page 52</p> <p>1 A Yes, you can say labeling team, labeling group.</p> <p>2 Q So the labeling group is the ones that have the</p> <p>3 final say on what goes onto the label, but the redlining</p> <p>4 team proposes the redlines?</p> <p>5 A Michael Chellson as regulatory affair will</p> <p>6 direct us what need to be redlined on the document. My</p> <p>7 job and other group member was to redline those jobs,</p> <p>8 redline those documents. Then those document goes to the</p> <p>9 labeling team. At that time labeling team kind of</p> <p>10 decided this is acceptable or not.</p> <p>11 Q So is it a better way to think about it, that</p> <p>12 the redlining team is a sub group within the labeling</p> <p>13 team?</p> <p>14 A Yes. Yes, but not reporting to labeling team.</p> <p>15 Because they are not only doing label -- not doing only</p> <p>16 redlining.</p> <p>17 Q That was --</p> <p>18 A They are looking at a lot of regulation also.</p> <p>19 Q Labels was just one of their jobs --</p> <p>20 A A small piece of it, yes.</p> <p>21 (Off the record discussion)</p> <p>22 Q Okay. So was Michael Chellson the subject</p> <p>23 matter expert at Baxter on the new EU labeling</p> <p>24 requirements?</p> |
| <p style="text-align: right;">Page 51</p> <p>1 A Right. He was regulatory affair, specialize in</p> <p>2 European country's regulation.</p> <p>3 Q And he's a Baxter employee, correct?</p> <p>4 A I'm not familiar with his background, but he</p> <p>5 was there.</p> <p>6 Q Okay. And is -- would you consider him as part</p> <p>7 of the redlining team that you were on or was he part of</p> <p>8 the labeling team that you guys made your recommendations</p> <p>9 to?</p> <p>10 A He would recommend us what need to be redlined.</p> <p>11 Q So he was kind of part the redlining team, not</p> <p>12 the labeling team?</p> <p>13 A Redlining team, yes.</p> <p>14 Q Am I drawing the correct --</p> <p>15 A Yes, you are redlining and then going to the --</p> <p>16 because we are not physically putting information on the</p> <p>17 label, other group does it. But yes, he was -- Michael</p> <p>18 Chellson was labeling team for European country.</p> <p>19 Q The label --</p> <p>20 A Not labeling. Sorry. Regulation team,</p> <p>21 regulatory affair.</p> <p>22 Q Okay. Am I -- I've started adopting the term a</p> <p>23 redlining team and labeling team. Is that an correct way</p> <p>24 to think about it?</p> | <p style="text-align: right;">Page 53</p> <p>1 A Yes. He was already -- Michael Chellson was</p> <p>2 already there when I started the group.</p> <p>3 Q And he was --</p> <p>4 A He was already -- he was the SME, subject</p> <p>5 matter expert.</p> <p>6 Q And when you joined the team, you said</p> <p>7 something about Michael telling you what needed to be</p> <p>8 redlined. Did he provide some instruction to you on what</p> <p>9 was being -- what was to be done to the labels?</p> <p>10 A Michael Chellson, he provided the instruction</p> <p>11 and procedure -- not procedure, yes, the regulation.</p> <p>12 This need to be followed, make sure this information is</p> <p>13 on redline.</p> <p>14 Q And he had a PowerPoint that he presented to</p> <p>15 you on what the rules required and what changes you were</p> <p>16 supposed to make, correct?</p> <p>17 A Yes. Something he created it. There was no</p> <p>18 formal training, something as a SME he would tell it --</p> <p>19 product by product. So if I'm working on one product, he</p> <p>20 will tell me, show me the PowerPoint and just kind of</p> <p>21 talk with me and guiding me what need to go in. And then</p> <p>22 he will say, if you have further question come to me.</p> <p>23 Subject matter expert work with the redline team at</p> <p>24 one-on-one basis.</p> |

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1 Q So when you joined this -- the redlining group
2 within the larger group, you were not yet an expert
3 yourself, a subject matter expert on the new regulations
4 in Europe?

5 A Yes, I will not be because I was not the
6 regulatory affair. Regulatory affair certified people.
7 Regulatory affair, they are the subject matter expert.

8 Q And that's why Chellson was giving you
9 PowerPoint presentations about what to do?

10 A Just more verbally. There was no formal
11 training. It was just, you know, maybe he created his
12 own PowerPoint for the ease of each product and then just
13 go physically start by on desk, work with me and go back
14 and then check at his own, then he would add some more
15 thing, things like that. Like more working meetings,
16 let's say that one.

17 Q Okay. Was there formal training for any of
18 your colleagues?

19 A I'm not aware of that when they joined what was
20 the process was followed. I'm not aware of that.

21 Q Did you ever receive this sort of one-on-one
22 training with Chellson with others in the room?

23 A Initially when I joined it, he introduced me to
24 the team and he give the background what they are doing.

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1 That was the only direct interaction with Michael
2 Chellson.

3 Q Well, you also said that you had one-on-one
4 meetings with him?

5 A That would be -- that would be a later on when
6 I'm working on particular product, but as a background
7 overview of what their role is and what our role will be,
8 that's he explained when I joined the team. Just to get
9 me in speed and get me idea what their group is doing it.

10 Q In about -- do you recall that in about in
11 January of 2020 Mr. Chellson departed the group and
12 Cheryl Bork took over his role?

13 A Temporary basis though.

14 Q Say that again.

15 A Temporary basis she took over. Temporary. She
16 was not assigned to role. When she joined, she said I'm
17 joining as a temporary basis.

18 Q Meaning that Chellson was going to be replaced,
19 but he wasn't -- there was no replacement yet?

20 A Yes.

21 Q Okay. And Ms. Bork acted in that role through
22 the end of your employment at HCL, correct?

23 A Until my end of employment. I just want to add
24 they hired one more person, but I was not interacting

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1 directly, it was maybe in training of that person, I
2 don't know what the person, but they hired it while I was
3 about to departure from there, at that time they hired
4 someone else also, but I was dealing with Cheryl Bork,
5 yes.

6 Q You were dealing with --

7 A I mean what they call -- Cheryl --

8 Q Cheryl?

9 A Cheryl was filling role for Michael Chellson,
10 yes.

11 Q And the labeling revisions were Cheryl's
12 project, she was responsible for it within Baxter?

13 A I really do not know how -- full
14 responsibility.

15 Q You were the -- directed in January of 2020 to
16 start working directly with Cheryl and treat her just
17 like she was the SME as Chellson had been?

18 A With her in that sense Cheryl was saying, hey,
19 you guys bring to me if you have issue, and I will talk
20 with the people who have a more experience, I'm new to
21 the role. So she would become as a Baxter -- Baxter
22 mediator I would say, client mediator, and she would take
23 back to her team, like people like Larry Little, that was
24 his reporting -- Cheryl Bork reported manager and those

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1 people will direct what need to be done, or maybe Jeff
2 Birmingham. I don't know. But she was a mediator. She
3 did not know the job, and she says I will -- you guys
4 bring the issue, I will take back to my management, and
5 then I will give you guys feedback to that, yes. So she
6 would be like a mediator.

7 Q All right. So Cheryl Bork didn't know what
8 needed to be changed on labels?

9 A No, yes. Because she just was put them on
10 that, and Michael Chellson was -- I'm not sure one day in
11 meeting they say, he is gone, he is no longer with the
12 team. Nobody ask anything, nobody told anything. At
13 that time they say she's going to fill in his shoes as a
14 temporary basis.

15 Q In your work on the redlining team, did you
16 have regular meetings with the folks from Baxter?

17 A On and off, not directly with them. I will do
18 it more -- more I will work with the labeling team, with
19 the Baxter client, yes, on the labeling, not directly.
20 When I get the direction what need to be -- which
21 product, what redline it is, then I work with the
22 labeling team, yes.

23 Q It's my understanding that -- I don't remember
24 if it was weekly, but you had some regular presentations

15 (Pages 54 - 57)

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1 to the Baxter folks to present the redlining you were
 2 proposing, is that right?
 3 A No, as scheduled needed. I do not have a
 4 direct meetings or reporting. There was no regular
 5 access weekly basis or biweekly or month. There was no
 6 reoccurrence on my calendar.
 7 Q So it wasn't regular, but you did present to
 8 the labeling team the redlining that you were proposing
 9 at some times?
 10 A Yes, if they need to know what need -- what I
 11 changed it, yes, I will present the redline, yes.
 12 Q That would be an interactive meeting where they
 13 would ask you questions and -- raise issues?
 14 A They raise question, if they have a question
 15 sometimes, you know, they will say oh, yes, we have this
 16 question and sometimes they will not say anything.
 17 Q And who -- who from Baxter would be in those
 18 meetings with you?
 19 A I would say it mainly the HCL team because
 20 everybody would present maybe their piece of that
 21 product, redline it, and then they will take it and maybe
 22 they have feedback and they will do it. I do not know
 23 exactly which people, because for each product, different
 24 people, I could not recall it their name, but the

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1 labeling is a group so they interchange their jobs. So I
 2 don't know.
 3 Q So, for example, was Chellson in some of those
 4 meetings?
 5 A Michael Chellson was early on, but since
 6 January when he let go, there was nobody regular --
 7 nobody regulatory. His representation was not in the
 8 room.
 9 Q Okay. I get he was not there after he left?
 10 A Let go or whatever.
 11 Q Was Cheryl Bork ever in any of those meetings?
 12 A Not all of them. Her responsibility --
 13 Q Not what?
 14 A Not in every single meeting, maybe at one or
 15 two meeting I recall it. She is not because that was not
 16 her role. Just like I mentioned previously, she says,
 17 you guys, I'm new to this role, bring the issue, I will
 18 go back and talk with my management. So I don't know
 19 what her -- again, I don't know what her responsibility
 20 was.
 21 Q She was in some of those meetings?
 22 A Some of them.
 23 Q And there were others from Baxter in some of
 24 those meetings, but you just don't remember their names?

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1 A Yeah. I was mainly with -- many time with Jeff
 2 Birmingham, the program manager. I was -- I was with
 3 him. Larry Little, which Cheryl Bork reported, I was in
 4 those meetings.
 5 Q So you remember those --
 6 A Those people.
 7 Q Those people?
 8 A People Larry Little -- because they are looking
 9 over project, bigger picture. So they will say, hey, we
 10 are having a meeting, you need to be -- everybody needs
 11 to be here, that way they know what's going on at the
 12 program level.
 13 Q Do you recall any of those meetings being
 14 difficult for you?
 15 A Sorry. More informative, yes. More
 16 informative. No difficulty.
 17 Q So you never sensed any --
 18 A No.
 19 Q -- concerns from the folks at Baxter? Out
 20 loud.
 21 A Yes. Yes, no. No, not at all, no. I did not
 22 feel any kind of -- actually I got few award also from
 23 them also, email, a good nice email from while I was
 24 working at them.

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1 Q I didn't see any of those in the production.
 2 Do you have any of those?
 3 A Gary -- If you guys look at the -- where you
 4 look the name of Gary. 2016, he send email to the whole
 5 team.
 6 Q 2016 you're not on Cheryl's team yet.
 7 A No, at that time he send it. Before that Maria
 8 when they was there. So I got a lot of good -- always I
 9 got positive feedback from client.
 10 Q While you were working on the redlining team,
 11 did you receive complimentary emails?
 12 A I'm not sure who this was getting delivered to.
 13 Directly labeling team, I knew it goes to labeling team.
 14 In between what is happening, maybe Pranesh Chapain would
 15 know or Mike Belmont would know.
 16 Q I'm asking if you received any awards or
 17 commendations while you were working on the redlining
 18 team.
 19 A Just verbally. Good job as a team, good job,
 20 keep up the good work.
 21 Q And who gave you those verbal comments?
 22 A Labeling team.
 23 Q Who?
 24 A Label -- I do not recall exact name. Maybe

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1 labeling team. Person first name if I recall correctly,
2 Cheryl, Sherri -- Sherri. Sorry. I do not know the
3 spelling. She was the manager many meeting. She said
4 good job, keep up the good one.

5 Q When you say Sherri, is this Ms. Bork or
6 someone else?

7 A No, someone else. Labeling team in charge. I
8 do not recall the last name. Sherri was the first name.

9 Q How did Ms. Bork's management of the project
10 compare to Mr. Chellson's management of the project to
11 your perception?

12 A Mr. Chellson was well -- Michael Chellson was
13 well versed, very knowledgeable, very guidance
14 down-to-earth working with the people, 30-plus year
15 experience in regulatory affair, very easy working with
16 him. Definitely I will say Michael Chellson did a great
17 job while he was leading the team as SME.

18 Q And I take it you're saying Ms. Bork was not as
19 good?

20 A She did not know -- I'm not saying she was not
21 good. I'm saying she did not know the job. She forced
22 into maybe in that job. I'm not sure what was the
23 background and what the content is, but she was -- she
24 was maybe learning curve.

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1 Q Would you say you had a nice working
2 relationship with Mr. Chellson?

3 A Very good.

4 Q And would you say you had a nice working
5 relationship with Ms. Bork?

6 A As a professional, yes, because I knew she is
7 filling Michael Chellson and my responsibility to look
8 for guidance and reach out to if I have issue, and I
9 brought it -- When I noticed something, I brought it up
10 to Cheryl.

11 Q Did Ms. Bork ever express any dissatisfaction
12 with your work to you?

13 A No, not at all. Not verbally, not through
14 email.

15 Q And not indirectly through Mr. Chapain or
16 Belmont?

17 A Yes, not at all.

18 Q This is one of those times where I'm going to
19 pause and say -- I think I have been guilty of it too,
20 but let's try not to talk over each other. Sometimes I'm
21 still formulating my question. Let me finish and then
22 I'll let you go as long as you want to answer.

23 A Absolutely. Hopefully I won't go for long
24 time, yes.

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1 Q Yes. Did anyone other than Ms. Bork express
2 dissatisfaction with your work?

3 A Baxter client, no.

4 Q Okay. To your knowledge did Ms. Bork express
5 any dissatisfaction with the work of any of your
6 colleagues on the redlining team?

7 A Not in my knowledge, not communicated to me.

8 Q And to your knowledge did anyone else on the
9 Baxter side express any dissatisfaction with the work of
10 your colleagues?

11 A No, I do not recall anything.

12 Q Do you know who was Mr. Chellson's employer?
13 Do you believe he worked for HCL or Baxter?

14 A I'm not sure exactly what his role was and
15 what -- where he came from. Usually I do not ask people
16 which they are working. I could not recall it where he
17 worked, but well versed, very experienced. All I have to
18 say greatly word about Michael Chellson.

19 Q In what ways did Mr. Chellson challenge the
20 technical decisions of Mr. Chapain and Mr. Belmont?

21 A All the time. I would say when every time some
22 -- is not like a professional way. Let's say this way.
23 Is not talking over, not yelling or screaming, but
24 professionally he would bring the procedure and process

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1 to tell them, this need to be followed, indirectly. Not
2 saying, hey, you know, you don't know what you are doing
3 it, but professionally. And his knowledge he would say,
4 for this thing, this procedure has to follow that.

5 Q Did you witness Mr. Chellson challenging a
6 technical decision made by Mike Belmont?

7 A Mike Belmont is -- I did not see him around. I
8 did not see him around, but I see him around with Prakash
9 Chapain. I saw him, Michael Chellson, but I do not
10 recall Mike Belmont and him. Directly recall it maybe
11 one or two meetings that it just informative meeting, not
12 a working meeting, but no, I will not say it. But he
13 would challenge it who would bring the work to him and
14 ask questions.

15 Q So you did not ever witness Mike Chellson
16 question or challenge a technical decision made by Mike
17 Belmont?

18 A Right, because Mike Belmont I did not see
19 directly involved in this work.

20 Q Okay. Fine. Did you ever witness Mike
21 Chellson challenge a technical decision made by Prakash
22 Chapain?

23 A All the time.

24 Q Name an example.

17 (Pages 62 - 65)

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1 A Procedure of updating which product need to be
 2 updated first before the other product will be followed.
 3 Q Let's start with what was the technical
 4 decision that Mr. Chapain made?
 5 A I do not recall what was the outcome of that
 6 one, but in the meeting they say, no, this product --
 7 Michael Chellson said this product has to be updated,
 8 this unit has to be updated before we will attach to the
 9 other unit. And what was the outcome, I did not
 10 follow --
 11 Q I'm not asking about the outcome. I'm asking
 12 what technical decision that Mr. Chapain made that
 13 Mr. Chellson later challenged. What was the technical
 14 decision?
 15 A The technical decision is which product has to
 16 first updated for labels.
 17 Q So it was the order of work?
 18 A Order of work and following the process.
 19 Q Following what process?
 20 A EU regulation.
 21 Q So Mr. Chapain made a technical decision about
 22 EU regulations?
 23 A When doing hands-on work, like here, this
 24 product need to be maybe redline earlier. I do not

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1 recall all the details, but there was a discussion that
 2 what has to be done first, what has to follow.
 3 Q Did Mr. Chapain do any red lining?
 4 A I do not recall on that project, no.
 5 Q Meaning the project you were working --
 6 A On that time, yes.
 7 Q -- for him, correct?
 8 A I did not see him physically redlining, no.
 9 Q Okay. Would he be in your meetings that -- we
 10 talked about the meetings where you're presenting,
 11 everybody is presenting their redlines. Would
 12 Mr. Chapain be in those meetings?
 13 A Not all of them.
 14 Q How many -- What percentage would you say --
 15 A I would say he will be maybe less than 20
 16 percent. I would just say percentage because mostly he's
 17 not in those meetings.
 18 Q Is that because fundamentally he wasn't doing
 19 any of the redlining?
 20 A He was not doing, he does not want to know
 21 what's going on, that's between us and the labeling team
 22 what we finalize. And then I don't know Mike he will
 23 know it what final outcome is, but he was not physically
 24 was in working meeting.

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1 Q So Mr. Chapain was not making technical
 2 decisions about redlining, correct?
 3 A He was making a technical decision guiding how
 4 the project is moving, which task has to be done.
 5 Q But focus on my question. Did Mr. Chapain make
 6 a technical decision about specific redlining on any
 7 particular label?
 8 A May I ask what is you mean by technical
 9 decision?
 10 Q Well, it's -- the word, the phrase that you
 11 used in your answer to interrogatories. So I'm using it
 12 in the way you meant it.
 13 A Technical is a -- basically is when a -- is you
 14 touch a documentation, how much it goes around with that
 15 document and track with that one now, but he was managing
 16 more towards the project. He was telling it what to do,
 17 but hands-on work, no, he did not involve in there, but
 18 he will tell it, this needs to get done first. I don't
 19 know how -- his order or his instruction was coming, and
 20 at that point my Michael Chellson will say, no, this is
 21 not correct, this should go first.
 22 Q Did you ever witness any sort of contentious
 23 exchange between Mr. Chellson and Mr. Chapain?
 24 A Yes.

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1 Q Tell me about it.
 2 A I guess I would say yes. Just in a
 3 professional manner, they will give their own view.
 4 Q Well, I mean in something a little more hostile
 5 where there was some kind of heat.
 6 A I would not say a heat. What you mean by heat?
 7 Because in the business world and professional medical
 8 and pharmaceutical I do not understand the word heat.
 9 Heat in a sterile condition is not acceptable at any
 10 level.
 11 Q So in your interrogatory answers when you said
 12 that Mr. Chapain -- that Mr. Belson challenged technical
 13 decisions that were made by Mr. Chapain, you did not mean
 14 that there was any kind of hostility or aggression in the
 15 room?
 16 A I would say Michael Chellson has his own view
 17 on that issue, he would have his own issue, and then the
 18 meeting will be dissolved. Maybe they are using a --
 19 like a professionally approaching to convince each other,
 20 but convinced by challenging, according to this
 21 procedure, I'm not making, I'm not saying it, this
 22 procedure says, follow this instruction, and maybe he
 23 would say Mike -- Prakash Chapain or maybe he will come
 24 up with his own input or his own. So there will be a

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1 discussion back and forth, and everybody else would be in
 2 the room, if that's what you mean is that -- that they
 3 will be going on each other and everybody will be
 4 listening. Yes, it happened many times, they are going
 5 on each other or talking about particular procedure and
 6 all us would be just listening.
 7 Q Was it your perception that there were some
 8 hard feelings between Mr. Belson and Mr. Chapain?
 9 A I could not say it. After the meeting, I will
 10 not personally go and ask it how you feel about this one.
 11 That's something as a professional, they approach each
 12 other, they have a different point of view about things,
 13 and that's all it is. That's what I say, they challenge
 14 each other.
 15 Q Is it -- Do you have -- do you believe that
 16 Mr. Chapain had anything to do with Mr. Belson's
 17 departure from Baxter?
 18 A Mr. -- you mean Mr. Michael Chellson?
 19 Q Yes. Did I say another name? I'm sorry.
 20 Do you believe that Mr. Chapain had some role
 21 in Mr. Chellson's departure from Baxter?
 22 A I'm not sure exactly. I could not recall it.
 23 I do not have proof to say it's there, but in within
 24 three-week span there was another person was also my

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1 colleague who was working for HCL, Donna Baird was let go
 2 also. So I have no idea. So while I was -- I was there,
 3 before I got departure, there are many other people let
 4 go also, so --
 5 Q But the answer to the question about whether
 6 Mr. Chapain had a role in Mr. Chellson's departure is you
 7 don't know?
 8 A I cannot say yes, I cannot say no. I cannot --
 9 I cannot say yes, I cannot say no on that one, yes.
 10 Q Do you have any information whatsoever about
 11 that?
 12 A Only I heard it he's no longer with -- Michael
 13 Chellson is no longer with the team, that's all I know.
 14 And I did not pursue any kind of information what was the
 15 reasoning behind, because nobody talks if somebody is
 16 gone. And people was, I mean -- there was five, six
 17 people was -- five or maybe -- I don't know how many
 18 people was gone while I was working on the same team. So
 19 that was -- Michael Chellson was one of example. Then
 20 there was another person Donna Baird --
 21 Q We're going to get to her next. Let's do one
 22 at a time.
 23 A Sure. So I cannot say yes.
 24 Q So you don't know who let Mr. Chellson go or

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1 why, is that correct?
 2 A Yes, I will not. But he was let go.
 3 MR. GONZALEZ: Just wait for a question.
 4 MR. LIDBURY: Q Donna Baird, we're there. All
 5 right. You ready?
 6 A Yes.
 7 Q Was she an HCL employee, do you know?
 8 A Yes, she was. She told it. That's how I know.
 9 Q What time period was she with -- overlapping
 10 with you?
 11 A When I started she was already in the team.
 12 Q She's on the redlining team. I didn't ask
 13 that. She's on the red lining team, right?
 14 A Yes, same function.
 15 Q She was already there when you got there?
 16 A Yes, she was already there.
 17 Q Do you remember when she was let go?
 18 A I could not recall the exact date, but around
 19 the same time Michael Chellson was let go. Maybe 3 week,
 20 4 week, a month later. I do not recall.
 21 Q Sounds like about spring of 2020?
 22 A 20 -- yes, I would say -- yes, I would say
 23 that, but I do not recall, but she was let go while I was
 24 on the team.

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1 Q Okay. Did you ever witness Ms. Baird challenge
 2 a technical decision made by Mr. Belmont?
 3 A Again, Michael Belmont was directly involved in
 4 day-in day-out activity. I don't know how much he knew
 5 about the project. I cannot speak about that, but his
 6 representer was Michael Chellson and --
 7 Q His what?
 8 A His representer, who was representing the team
 9 was Prakash Chapain. So Prakash Chapain and Donna Baird,
 10 yes, they went after each other many time loud.
 11 Q So if I can get -- Before we move to Prakash
 12 Chapain, you never witnessed Ms. Baird challenge a
 13 technical decision made by Mr. Belmont himself?
 14 A No, I -- I witness. Not Michael Belmont, no.
 15 Q That's what I'm asking.
 16 A Michael Belmont, no. Yes.
 17 Q One at a time.
 18 A Michael Belmont did not.
 19 Q Okay. But Ms. Baird did challenge technical
 20 decisions made by Mr. Chapain?
 21 A Yes.
 22 Q And you witnessed that?
 23 A Yes.
 24 Q Okay. Explain the first instance that you can

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| <p style="text-align: right;">Page 74</p> <p>1 recall. Give me the details.</p> <p>2 A She -- Donna Baird says -- said it, I have been</p> <p>3 working all night on this project, working your offshore</p> <p>4 India team, and they do not know what they are doing.</p> <p>5 Whatever they send it, I'm correcting it. That was the</p> <p>6 first instance I saw when she confronted Prakash Chapain.</p> <p>7 Q And what did -- what was she confronting</p> <p>8 Mr. Chapain about?</p> <p>9 A Because Chapain is the -- those people are</p> <p>10 reporting to Chapain.</p> <p>11 Q So she was frustrated with the offshore people,</p> <p>12 correct?</p> <p>13 A Correct, because they was not giving what she's</p> <p>14 asking. And she was saying it, your people are not</p> <p>15 giving me information what I need to complete. Because</p> <p>16 we will give them at the end of the day work, they will</p> <p>17 work nighttime, there is a day over there in India, and</p> <p>18 then they will prepare stuff. And next morning when we</p> <p>19 will come and we will -- it will -- the work will be</p> <p>20 ready. She said I was working all night because it was a</p> <p>21 day there, they was in the office working, working with</p> <p>22 them to get what information I needed, and they do not</p> <p>23 know what they are doing. That's the first time I saw</p> <p>24 it.</p> | <p style="text-align: right;">Page 76</p> <p>1 know about the product, I know how it get administered to</p> <p>2 the patient. Mr. Prakash, you don't know what you are</p> <p>3 seeing it, how this procedure follow that one. I follow</p> <p>4 the procedure, I know how it goes to the patient, and</p> <p>5 regulation. I will say simply regulation. Discussion</p> <p>6 about regulation.</p> <p>7 Q And Mr. Chapain had his own ideas about those</p> <p>8 subjects?</p> <p>9 A Maybe. Maybe he was just protecting himself.</p> <p>10 I have no idea how much he has knowledge about those</p> <p>11 regulations.</p> <p>12 Q Well, you were sitting in the room, right?</p> <p>13 A Yes, I was listening it, and he would just take</p> <p>14 that direction to no, but they are doing it offshore is</p> <p>15 correct, things like that. I cannot recall all of the</p> <p>16 conversation she was just big on -- just like Michael</p> <p>17 Chellson on the regulation. She was big on the</p> <p>18 regulation, and she was complaining about that, it's not</p> <p>19 been followed.</p> <p>20 Q So this -- in this second sentence you talked</p> <p>21 about, it's also a complaint about the offshore people.</p> <p>22 A Not offshore. Directly on following procedure,</p> <p>23 regulation all and redlining.</p> <p>24 Q All right. Did Mr. -- So in this instance</p> |
| <p style="text-align: right;">Page 75</p> <p>1 Q And did Mr. Chapain disagree with her?</p> <p>2 A Yes.</p> <p>3 Q He did?</p> <p>4 A Yes. He says, no, you are overasking it or</p> <p>5 whatever the reason was. He give his reasoning to</p> <p>6 protect India's team, offshore team.</p> <p>7 Q So what happened?</p> <p>8 A Just like all other meetings, comes in the</p> <p>9 conference room and how it got settled offline I have no</p> <p>10 idea.</p> <p>11 Q Why were you in the room?</p> <p>12 A Because it was updated on each product what is</p> <p>13 the status on that, and her project maybe needed to be go</p> <p>14 to present or maybe redline item, I don't know about the</p> <p>15 backroom but where our product was, but she was showing</p> <p>16 the frustration about her product.</p> <p>17 Q So the whole redlining team is in the room when</p> <p>18 this is happening?</p> <p>19 A Yes.</p> <p>20 Q Okay. Do you remember another instance where</p> <p>21 she challenged a technical decision by Mr. Chapain?</p> <p>22 A Regulations. They would be discussing it all</p> <p>23 the time on EU regulation. I believe if I recall</p> <p>24 correctly, she was by trade or something. And she says I</p> | <p style="text-align: right;">Page 77</p> <p>1 we're talking about, did Mr. Chapain have his own view of</p> <p>2 what the EU regulations required for this particular</p> <p>3 label she was working on?</p> <p>4 A I have no idea how much.</p> <p>5 Q You were in the room, right?</p> <p>6 A Yes, I was in the room. All -- all he was</p> <p>7 saying it, oh, I have to look at what the issue is, I</p> <p>8 have to get back to you. And then Mike would talk with</p> <p>9 them. So he would just give a technical reason I need to</p> <p>10 get more information. He would not argue about that</p> <p>11 particular procedure, what she's bringing on the table,</p> <p>12 he would not respond. He would say, I need to look more</p> <p>13 information, I need to get back why they followed it.</p> <p>14 Q So this second instance is another instance</p> <p>15 where Ms. Baird is disagreeing with the offshore people</p> <p>16 and bringing that to Mr. Prakash -- Mr. Chapain's</p> <p>17 attention?</p> <p>18 A And not getting it clear direction from</p> <p>19 Mr. Chapain on the regulation. One was about offshore</p> <p>20 and one was about regulation.</p> <p>21 Q Well, who had the counter -- who had the</p> <p>22 opposing idea on the regulation in the second instance?</p> <p>23 A Mr. Prakash.</p> <p>24 Q He had his own idea about the regulation?</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 A Interpretation.</p> <p>2 Q What was his view?</p> <p>3 A His view was I need to get more information</p> <p>4 from the people who work on this regulation. Again,</p> <p>5 another regulatory person maybe he has to go and ask</p> <p>6 information, but he will not -- because he was not</p> <p>7 regulatory person, he has to go maybe and ask other</p> <p>8 people information. I don't know what -- he was just</p> <p>9 managing a project. He did not know what goes into the</p> <p>10 product, that -- What my gathering is, Mr. Prakash could</p> <p>11 not know what goes in the project. He would -- he was</p> <p>12 just managing that one milestone is move one milestone to</p> <p>13 another one. That's all.</p> <p>14 Q So in this second instance involving the</p> <p>15 regulatory interpretation, Mr. Prakash didn't make a</p> <p>16 decision about what it meant, he made the decision that</p> <p>17 he needed to find out from somebody else?</p> <p>18 A Right, but he will -- he will not say you are</p> <p>19 correct, we will follow your procedure at all, I need to</p> <p>20 dig in. But then what was the outcome, again, I will not</p> <p>21 know that was the -- that was not in the meeting was</p> <p>22 decided.</p> <p>23 Q Was this a contentious conversation?</p> <p>24 A Always. Between them, yes, I would say, with</p> | <p style="text-align: right;">Page 80</p> <p>1 about a regulatory question and a -- I'm sorry. I forgot</p> <p>2 the first one. Redlining?</p> <p>3 A Maybe some communication. Maybe communication</p> <p>4 between communication was the issue. They was not</p> <p>5 communicating to each other maybe.</p> <p>6 Q Okay. Do you remember any specific thing they</p> <p>7 were being contentious about? You said all their inter</p> <p>8 actions were contentious. Anything they were disagreeing</p> <p>9 about?</p> <p>10 A I'm pretty sure there's many, but I could not</p> <p>11 recall it at this minute.</p> <p>12 Q All right.</p> <p>13 A Can we take a little break here?</p> <p>14 MR. LIDBURY: Any time you want.</p> <p>15 THE VIDEOGRAPHER: This is end of media 2. We are</p> <p>16 going off the record. The time is 12:15 p.m.</p> <p>17 (Off the record)</p> <p>18 THE VIDEOGRAPHER: This is the start of media 3. We</p> <p>19 are going on the record. The time 1:33 p.m.</p> <p>20 MR. LIDBURY: Q Okay. We're finally back on. You</p> <p>21 ready for some more?</p> <p>22 A Yes.</p> <p>23 Q Okay. I'm going to go through some names that</p> <p>24 you listed in your interrogatory answers to us. If we</p> |
| <p style="text-align: right;">Page 79</p> <p>1 Donna -- Donna Baird and him is always.</p> <p>2 Q Always contentious?</p> <p>3 A Yes.</p> <p>4 Q How often did these meetings happen?</p> <p>5 A We internally team about meeting -- if not once</p> <p>6 a day, at least twice -- three time in the week, the</p> <p>7 people who are working on redline does not mean that</p> <p>8 Prakash was in every single meeting. We will be working.</p> <p>9 okay, you are working on this one. I have issue about</p> <p>10 this thing. Could you help me -- tell me what regulation</p> <p>11 and then the other person would ask. So collaboration.</p> <p>12 Collaboration session.</p> <p>13 Q We've got two instances with respect to</p> <p>14 Ms. Baird and Mr. Chapain locking horns. Are there</p> <p>15 others?</p> <p>16 A In front of me.</p> <p>17 Q In front of you. You don't know what you don't</p> <p>18 know. Those are the two you can think of or are there</p> <p>19 more?</p> <p>20 A At this time I could not -- I could not recall</p> <p>21 it, but there was always -- was a tension between Donna</p> <p>22 -- Donna Baird and Prakash Chapain.</p> <p>23 Q And was the -- what was the tension about other</p> <p>24 than these two instances which sounded like they were</p> | <p style="text-align: right;">Page 81</p> <p>1 need the exhibit or the document as an exhibit, we'll</p> <p>2 pull it up, but I think for what I'm going to ask so far</p> <p>3 you'll be okay.</p> <p>4 So you mentioned a Kunai Patel. Did I</p> <p>5 pronounce that right?</p> <p>6 A Yes.</p> <p>7 Q Kunai Patel was on the redlining team with you</p> <p>8 or who was -- Who was Kunai?</p> <p>9 A He was -- in the team when I joined it. He was</p> <p>10 already on the team. I exactly did not know his job</p> <p>11 responsibility.</p> <p>12 Q Is the spelling K-U-N-A-I?</p> <p>13 A Yes.</p> <p>14 Q Patel, P-A-T-E-L?</p> <p>15 A Yes.</p> <p>16 Q Okay. He was on the redlining team when you</p> <p>17 got there, is that what you said?</p> <p>18 A He was in the same team where we were there,</p> <p>19 but exactly -- because he was mostly remote, so I exactly</p> <p>20 do not know. That would be Prakash would explain it</p> <p>21 exactly what he was doing.</p> <p>22 Q Okay. Were you ever in any meetings with --</p> <p>23 A I saw him. He used to come once in a while in</p> <p>24 person in the building, but other than that, I will not</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 know he is in -- where he is located.</p> <p>2 Q Okay. And you listed some folks who challenged</p> <p>3 Mr. Prakash or Mr. Belmont, and we've gone over those</p> <p>4 people. The list I'm about going to go through, you did</p> <p>5 not mention that they challenged Mr. Prakash or</p> <p>6 Mr. Belmont's decisions. Did Mr. Patel challenge Mike</p> <p>7 Belmont or Prakash Chapain to your knowledge?</p> <p>8 A Not in my knowledge I did not see challenging.</p> <p>9 Q The next name -- I'm going to spell this one</p> <p>10 before I even try to pronounce it. A-A-Y-U-S-H-I, and</p> <p>11 then the last name is K-A-S-L-I-W-A-L.</p> <p>12 Aayushi? Am I close?</p> <p>13 A My pronunciation is the same with the way you</p> <p>14 said it, yes. I will say Aayushi.</p> <p>15 Q Okay. Same question, to your knowledge did</p> <p>16 Aayushi challenge Mr. Chapain or Mr. Belmont?</p> <p>17 A I did not see it. Not in front of me, no.</p> <p>18 Q Okay. Aayushi is -- was on the redlining team?</p> <p>19 A She was.</p> <p>20 Q Okay. And was Aayushi more in person or was</p> <p>21 she also remote?</p> <p>22 A I would say she was like a 60/40 -- 60 percent</p> <p>23 online, 40 percent physically. I saw Aayushi more often</p> <p>24 than Kunai Patel.</p> | <p style="text-align: right;">Page 84</p> <p>1 by Kunai Patel.</p> <p>2 Q And you're not aware that she challenged</p> <p>3 Mr. Chapain?</p> <p>4 A No, I'm not aware.</p> <p>5 Q Or Mr. Belmont?</p> <p>6 A Yes, that's correct.</p> <p>7 Q Okay. Vinoth Kumar Kannan. I'm going to spell</p> <p>8 this. V-I-N-O-T-H, K-U-M-A-R, K-A-N-N-A-N.</p> <p>9 Was that someone on the redlining team also?</p> <p>10 A I believe he was a different function, not</p> <p>11 redlining but he was not on our location also. He was</p> <p>12 physically Baxter other locations, but not on there. And</p> <p>13 I think his job was more processing those redline, not</p> <p>14 actually doing redline, if I understood correctly. But I</p> <p>15 did not have with him like a direct contact with him.</p> <p>16 That's something he reports to Prakash and Michael</p> <p>17 Belmont.</p> <p>18 Q Okay. So even though he wasn't on the</p> <p>19 redlining team, he still --</p> <p>20 A He would join the meetings online. He would</p> <p>21 join the meeting.</p> <p>22 Q But was his supervisor Prakash Chapain?</p> <p>23 A Exactly, I'm not sure. He was the supervisor,</p> <p>24 but he was reporting to Michael Belmont. This I know.</p> |
| <p style="text-align: right;">Page 83</p> <p>1 Q She went by Yushi?</p> <p>2 A You know, I'm sorry to say, I think they used</p> <p>3 to call her Aayushi.</p> <p>4 Q Okay. Shraddha Parmar. I am going to spell it</p> <p>5 before you try to answer. S-H-R-A-D-D-H-A. Last name</p> <p>6 P-A-R-M -- I can't read my own writing. M-A-R. Shraddha</p> <p>7 Parmar, is that also someone on the redlining team?</p> <p>8 A She was.</p> <p>9 Q With -- while you were there?</p> <p>10 A Yes.</p> <p>11 Q Are you aware she departed? Is that why you</p> <p>12 said she was?</p> <p>13 A She was -- I'm sorry. When I was there, and</p> <p>14 everything is in past tense, that's why I used the word</p> <p>15 was. She was on there, but she is pretty much Kunai</p> <p>16 Patel, the way he was working remotely mostly, and they</p> <p>17 both came -- the way they both told me, they came from</p> <p>18 the same work or something. They knew it. In other</p> <p>19 words I should say Kunai brought Shraddha onboard, help</p> <p>20 her to get the assigned job.</p> <p>21 Q So they worked somewhere else within the Baxter</p> <p>22 team and then joined the redlining team kind of together?</p> <p>23 A Not Baxter. Somewhere outside. I was not sure</p> <p>24 what the background is. All I know she was recommended</p> | <p style="text-align: right;">Page 85</p> <p>1 So I do not know exactly how many people were reporting</p> <p>2 to Prakash Chapain.</p> <p>3 Q Okay. Are you aware of Vinoth -- am I</p> <p>4 pronouncing that right, Vinoth? Vinoth Kumar Kannan,</p> <p>5 isn't that who we were just talking about?</p> <p>6 A That's the one person, yes.</p> <p>7 Q So are you aware of that person challenging</p> <p>8 Mr. Prakash or Mr. Chapain -- Mr. Prakash or Mr. Belmont?</p> <p>9 A No, I did not see it.</p> <p>10 Q Okay. Krutal Patel, K-R-U-T-A-L, Patel,</p> <p>11 P-A-T-E-L. On the redlining team?</p> <p>12 A No. He was not. He was a shared source</p> <p>13 between regulatory affair and our redline team. So he</p> <p>14 would get some direction from another team. I exactly do</p> <p>15 not know how their arrangement was, but when I was</p> <p>16 working there at that time, he was a shared source.</p> <p>17 Q Does that mean he was split between your</p> <p>18 project and another one?</p> <p>19 A Right, yes. Split between, yes.</p> <p>20 Q And are you aware of him challenging</p> <p>21 Mr. Chapain or Mr. Belmont?</p> <p>22 A Not in front of me.</p> <p>23 Q And you're not aware of it otherwise?</p> <p>24 A I'm not aware of them, yes, right.</p> |

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1 Q I'm sorry. Let me finish completely and then
 2 -- I'll try to do the same for you.
 3 A Sure.
 4 Q We were -- we just went through a list of
 5 people. I guess I'll go through it again to be clear who
 6 we talked about. Kunai Patel, Ayushi Kasliwal, Shraddha
 7 Parmar, Vinoth Kumar Kunnan, and Krutal Patel. Do you
 8 know the ages of those folks?
 9 A I do not know exact their ages, but the way
 10 they brought in general discussion, they graduated from
 11 college and this is their either first job assignment or
 12 the second job. That kind of makes me think -- it's just
 13 my perception -- they all were under 30 year age. So
 14 either that's their first assignment in the real life
 15 work or maybe the second assignment. And they would say
 16 they graduated two year back or three year back. Some
 17 were still going part-time in colleges.
 18 Q And how did their year of graduation come up in
 19 conversation?
 20 A Oh, they just bring up that, you know what,
 21 this is real life, I'm first time in -- came and I need
 22 to learn a lot. That's what they used to say. We have a
 23 long way to go, we need to learn a lot, this is our first
 24 assignment or the second assignment. That's how I would

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1 know it, volunteer information they brought it up.
 2 Q So just kind of water cooler conversation in
 3 the hallways or whatever?
 4 A No. It was in the sitting before meeting
 5 started. They would just have, you know, ice breaker
 6 type things.
 7 Q Okay. Do you know any of their visa status?
 8 A I did not see any documentation on there, but
 9 most of them were either H-1 or L-1 Visa, or they are on
 10 student visa, something like that, but there was not a
 11 permanent residence.
 12 Q Did that come up in these conversations --
 13 A Yes, they would say it we have to, because they
 14 have to go through certain process within the company to
 15 get every year or maybe every other year extension for
 16 their work allow working in U.S. and they have to submit
 17 to the client Baxter, and that's how I heard it, hey, you
 18 know, someone has to sign our document, things like that.
 19 And they would just bring it. And plus our cubicle was
 20 more like a hotel type, so even though you don't want to
 21 hear other people conversation, you can kind of sometimes
 22 clearly hear it, that, hey, I needed Michael Belmont's
 23 signature to submit to my client for my extension. So
 24 that's how I know they are not a legal residence here.

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1 I would say, not a permanent residence. Let's
 2 say that word I would use it here. They were not -- they
 3 was on certain signed of sponsorship visa. I do not know
 4 exactly which one.
 5 Q But it's your recollection that none of them
 6 were American citizens?
 7 A Yes.
 8 Q Did Cheryl Bork ever mention any of these
 9 people's age to you?
 10 A No, they was bringing themselves. Cheryl Bork
 11 did not bring any age or anything.
 12 Q For these -- okay. Were you done?
 13 A Yes, I'm done.
 14 Q Did Cheryl Bork ever mention any of these
 15 people's citizenship or visa status up?
 16 A She did not mention it, not in front of me,
 17 yes.
 18 Q To your knowledge did Ms. Bork kick any of
 19 these people off of her project?
 20 A I would not recall it. No. As far as -- my
 21 memory is, no, I will say no.
 22 Q And to your knowledge did Ms. Bork criticize
 23 their work?
 24 A In my knowledge, no, I'm not aware of that.

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1 Am I allowed to ask questions? Is this a
 2 complete list for my coworkers because some -- looks like
 3 some names are still missing.
 4 MR. GONZALEZ: It's Mr. Lidbury's deposition.
 5 MR. LIDBURY: I get to ask the questions but
 6 that's --
 7 THE WITNESS: No, that's fine.
 8 MR. GONZALEZ: Q That's fine. Let me ask you. Who
 9 else was on the redlining team?
 10 A There was a -- is a Heather Lewis and Mohammed
 11 Ahmed.
 12 Q Get a sheet of paper out here.
 13 Heather Lewis, that one I got. The other one
 14 was who?
 15 A Mohammed Ahmed.
 16 Q A-H-M-E-D?
 17 A Yes. M-O-H-A-M-M-E-D, I believe, that's for
 18 Mohammed.
 19 Q The last --
 20 A A-H-M-E-D. Mohammed is the first name, Ahmed
 21 is the last name.
 22 Q How is the last name spelled?
 23 A A-H-M-E-D. If I remember correctly.
 24 Q That will be close enough for now. I guess

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| <p style="text-align: right;">Page 90</p> <p>1 I'll try to go through the same questions as to them. 2 Are you aware of their age or citizenship status? 3 A No, I would not. 4 Q Did Ms. Bork ever criticize any of their work 5 to your knowledge? 6 A For both of them she did that one. 7 Q Okay. We'll talk about Heather Lewis. What 8 did Ms. Bork say about their work, Heather Lewis' work? 9 A Her presentation, how she presenting her work 10 to the team. 11 Q Okay. Bad at sort of public speaking or 12 sitting -- talking in meetings? 13 A In meetings in general say you need to explain 14 this thing little bit more detailed or something like 15 that. Maybe -- maybe one or two times I noticed that 16 one. 17 Q You noticed that Ms. Bork said that? 18 A Ms. -- Ms. Bork criticized the work of Heather 19 Lewis. 20 Q What was the criticism? 21 A Is about relating the regulation and redline. 22 Q So was it about her presentation of it or the 23 substance of what she was recommending? 24 A Is more the presentation.</p> | <p style="text-align: right;">Page 92</p> <p>1 setting. 2 Q And do you know what happened as a result of 3 that? 4 A I have no idea, nothing -- offline what 5 happened, I'm not aware of that. 6 Q And were -- was Mr. Ahmed disciplined or 7 terminated to your knowledge? 8 A I'm not aware of them. When I was there -- as 9 long as I was there, he was still there. 10 Q And you're not aware if he was put on a PIP? 11 A I have no idea after that what happened. 12 Q Heather Lewis, do you know what happened with 13 her? Discipline, PIP, termination, anything? 14 A She was terminated in front of me while I was 15 there. 16 Q Okay. What happened? 17 A It was told us she's no longer with the team. 18 Q Well, you said she was terminated in front of 19 you? 20 A No. In front of me it was announced just like 21 public setting, everybody when they terminate or let go, 22 they will say that person is no longer with the team. 23 That's how I know they announce it she is no longer with 24 the team. That's all I know.</p> |
| <p style="text-align: right;">Page 91</p> <p>1 Q So more style than substance? 2 A Style, that's what she was more worried about. 3 Q How many times did that happen? 4 A In front of me, a couple time happen. 5 Q Are you aware of other times that -- 6 A I'm not aware of that. 7 Q Did Ms. Bork to your knowledge ever ask that 8 Ms. Lewis be taken off of her project? 9 A I'm not aware of that. 10 Q Ms. Bork never mentioned Ms. Lewis' age or 11 citizenship status? 12 A No. She would never talk about anybody's 13 citizenship or national status. She would not. 14 Q Or their age? 15 A Age, no. 16 Q Okay. Mohammed Ahmed, also on the redlining 17 team I take it? 18 A Yes. 19 Q And did Ms. Bork ever complain about his work? 20 A You need -- in public setting, in meeting 21 setting, she said, you need more training and more 22 learning about redline. 23 Q How many times did she say that? 24 A I would say couple times in the meeting</p> | <p style="text-align: right;">Page 93</p> <p>1 Q Who announced that? 2 A That's always Michael Belmont. 3 Q Okay. And I take it he didn't get into any 4 reasons? 5 A No. 6 Q Did it occur in the timeframe of the complaints 7 that you mentioned Ms. Bork had about her presentation 8 style? 9 A I will not recall the time and date. 10 Q Okay. I can't remember if I asked you. You 11 said you didn't know if Mr. Ahmed -- he was still there 12 when you left, but you don't know remember what happened 13 to him, is that correct? 14 A Yes. 15 Q Trying to keep all these names straight. 16 Do you know the -- I'm going to give the names 17 again so we're clear on who we are talking about. Do you 18 know the employment status of Kunai Patel, Aayushi 19 Kasliwal, Shraddha Parmar, Vinoth Kumar Kunnan, or Krutal 20 Patel? 21 A I would not know their working status. 22 Q And were they still there when you left? 23 A They were there. 24 Q Okay. You're not aware of their disciplinary</p> |

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1 history or PIP status or anything like that?

2 A No.

3 Q Okay. Did you say Donna Baird was a HCL

4 employee or was she a Baxter?

5 A She mention in the meeting she's a HCL

6 employee.

7 Q Okay. Then let me ask you the same thing about

8 her then. Do you know if she was still there when you

9 left?

10 A No, she was gone. Donna Baird was gone.

11 Q That's right. I think you told me she was let

12 go.

13 A She was let go.

14 Q Okay. And do you know if that was at Cheryl

15 Bork's behest or otherwise?

16 A I have no background history on that.

17 Q Don't know. Okay. Were you ever aware of

18 complaints about Ms. Baird's work?

19 A No.

20 Q Have we now talked about all of your colleagues

21 on the redlining team?

22 A As far as I remember, because they was

23 interconnected, yes, I would say it, yes.

24 Q Okay. You challenged -- I take it you didn't

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1 challenge Ms. Belmont's decisions because I think we've

2 already established he didn't make any decisions.

3 A He was not involved, yes.

4 Q Okay.

5 A In the project.

6 Q And so you didn't challenge him in any way?

7 A I did not.

8 Q Okay. And -- But you did challenge

9 Mr. Chapain, correct?

10 A Yes, that's correct.

11 Q Okay. Can -- Do you remember specific

12 instances of you challenging Mr. Chapain?

13 A When he would ask me things to do it, I would

14 ask which regulation we are following and why we are

15 updating it this way. There is a difference in

16 regulation. Regulation is saying this one, you are

17 asking me to do this -- this redline. And I brought it

18 up a few time, but, again, Prakash Chapain would always

19 say he will get back to me or he need to dig in more. He

20 would not give me like get in discussion that is you are

21 right or wrong. He will say I will get back to you so

22 maybe he will -- maybe needed to talk with other people,

23 other people who are more experienced in this work or

24 maybe who -- but he would not say.

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1 And then most of the time he would not come

2 back to you, and you will just keep asking it almost

3 every meeting though.

4 Q I think we've already established that

5 Mr. Chapain was not an SME on the regulations for

6 labeling.

7 A For regulation for labeling. He was just

8 managing activity, but when activity has issue, our first

9 line of defense is Mr. Prakash Chapain, to go to him and

10 ask our question and present our issue. And then we will

11 go from there.

12 Q And would it be fair to say that Mr. Chapain

13 functioned in a project manager role?

14 A Project manager, but his title was not project

15 manager. His title was lead, leading the activity.

16 Q I don't mean to get into titles. I mean, his

17 function on the team was to manage the project.

18 A He was managing the project.

19 Q Watch deadlines, make sure people are meeting

20 them, that sort of thing?

21 A Right. But our project manager was Michael

22 Belmont to quote officially.

23 Q Prakash reported up to Michael Belmont?

24 A Michael Belmont.

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1 Q When you went to Mr. Chapain with a technical

2 question or issue about some redlining that you were

3 proposing or being asked to do, you weren't challenging

4 him as to what he told you to do because he didn't tell

5 you to do it?

6 A No. He -- Well, he would say this label need

7 to be updated and redline need to be done. So he will

8 give the input, we will prepare the input, and then send

9 to the labeling team as an output.

10 Q He wasn't redlining for you, was he?

11 A No, he was not redlining.

12 Q So he was telling you what to redline?

13 A What to redline.

14 Q Not how to redline?

15 A Right.

16 Q Good. Okay. So when you went to him with a

17 problem about whatever it was you were worried about, you

18 weren't coming to him challenging that his instruction

19 was wrong, because he didn't even know, right?

20 A I really do not know his background and history

21 how much he knew about the label. If someone is superior

22 than me is our industry which I work, you go to them with

23 any issue or open question. From there either they will

24 direct you or they will answer you.

25 (Pages 94 - 97)

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| <p style="text-align: right;">Page 98</p> <p>1 So if he is a lead on the project, so I will</p> <p>2 assume he would know it or he will know where to go and</p> <p>3 get the answer, but he was my go person to communicate.</p> <p>4 Q Fair enough. I understand that you went to him</p> <p>5 with questions. What I'm asking is were you challenging</p> <p>6 some decision he had already given you when you did that?</p> <p>7 A What you mean by decision? May I ask.</p> <p>8 Q You're the one that used the word in your</p> <p>9 answers to interrogatories. Technical decisions that you</p> <p>10 challenged, that's what you said.</p> <p>11 A Technical decision which is says this is input,</p> <p>12 this is redline. I would say no, this does not follow</p> <p>13 the procedure. That's where the technical is.</p> <p>14 Q Okay. What I'm trying to ask is, did</p> <p>15 Mr. Chapain tell you to make some specific redline and</p> <p>16 you said that's wrong?</p> <p>17 A Is incorrect, it does not follow the procedure.</p> <p>18 Q And Mr. Chapain told you what to redline -- how</p> <p>19 to redline?</p> <p>20 A He says this need to be redlined. He didn't --</p> <p>21 I don't know. He would not get me in the detail, but he</p> <p>22 would tell me, I will get back to you, I will get more</p> <p>23 information. So will bring back with to him -- because</p> <p>24 he will give me a general task and I will bring back him</p> | <p style="text-align: right;">Page 100</p> <p>1 A He would say this need to be redline as part of</p> <p>2 this sample template. And I would say no, I will not</p> <p>3 follow this template because this template is not aligned</p> <p>4 according to the regulation. So the regulation,</p> <p>5 template, and the real work, there's a discrepancy. At</p> <p>6 that time he say no just follow the template, but I give</p> <p>7 it to you template, you follow the template, and I will</p> <p>8 say, template is not correct because it does not follow</p> <p>9 the regulation.</p> <p>10 Q Okay. So he told you to follow a template that</p> <p>11 you didn't want to follow, correct?</p> <p>12 A Because the template needed to be corrected and</p> <p>13 updated.</p> <p>14 Q How many times did that happen?</p> <p>15 A It happened maybe two, three times.</p> <p>16 Q When?</p> <p>17 A I could not recall the dates, but I start</p> <p>18 working with him like June, July, 2019. After that --</p> <p>19 between that until April 3rd when I was released. In</p> <p>20 between that time it happened. I could not recall exact</p> <p>21 date and time and month.</p> <p>22 Q And when you told him that the template that he</p> <p>23 told you to follow was wrong, what did he say?</p> <p>24 A This is given to me, and then given as mean he</p> |
| <p style="text-align: right;">Page 99</p> <p>1 with the specific questions.</p> <p>2 Q Okay. I'm trying to find an example of a</p> <p>3 technical decision that Mr. Chapain made that you</p> <p>4 challenged. Can you identify one?</p> <p>5 A For example, I would say, this -- this critical</p> <p>6 warning sign to be copy from this information to this</p> <p>7 one, and I would say for this product the procedure is</p> <p>8 saying follow this critical warning. I cannot just take</p> <p>9 copy/paste from another similar label. I need to look</p> <p>10 for procedure, what procedures and what are the critical</p> <p>11 warnings there, and when there's a discrepancy, I would</p> <p>12 go back to him.</p> <p>13 Q Did Mr. Chapain give you a technical decision</p> <p>14 that you challenged ever?</p> <p>15 A He will give me answer very vague, not specific</p> <p>16 to the issue so that kind of leaves me to think maybe he</p> <p>17 did not have a background on the particular job function</p> <p>18 so he has to always depend on other people to get the</p> <p>19 answer.</p> <p>20 Q I think we've already established that</p> <p>21 Mr. Chapain was not an SME on labeling, correct?</p> <p>22 A Correct.</p> <p>23 Q What technical decision did he make that you</p> <p>24 challenged?</p> | <p style="text-align: right;">Page 101</p> <p>1 talks with other teams across because other cross -- I</p> <p>2 don't know where he was getting exactly. He would not</p> <p>3 let me as -- let me talk with the client directly. He</p> <p>4 would say, I will give you the input, you have to fix it</p> <p>5 and give me the output of this one, and the input was not</p> <p>6 up to date.</p> <p>7 Q When you made your redlining -- I think we</p> <p>8 already talked about this -- you presented that in</p> <p>9 meetings with the Baxter folks, correct? Got to say out</p> <p>10 loud.</p> <p>11 A I'm sorry. Could you repeat the question?</p> <p>12 Q We've already established that when you made</p> <p>13 your redlines you would have meetings with the folks from</p> <p>14 the Baxter labeling team or the regulatory affairs team I</p> <p>15 think you said where you would present the changes that</p> <p>16 you were proposing, correct, directly to Baxter?</p> <p>17 A There maybe will be people but on my work</p> <p>18 always goes to other lead which is Prakash. From Prakash</p> <p>19 he could decide it he wants to give directly or he want</p> <p>20 us to be part of that meeting.</p> <p>21 Q So before any of your work went to a Baxter --</p> <p>22 A Prakash.</p> <p>23 Q Let me finish my question before you cut in.</p> <p>24 Before your work went to anyone at Baxter, it</p> |

26 (Pages 98 - 101)

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|---|---|
| <p style="text-align: right;">Page 102</p> <p>1 went through Prakash first?</p> <p>2 A For review.</p> <p>3 Q Okay. Since he didn't know anything about EU</p> <p>4 labeling, how was he reviewing it?</p> <p>5 A I have no idea. Maybe he have other team</p> <p>6 member to do the verification because whoever does one is</p> <p>7 done by and other people will be verify. It could be</p> <p>8 anybody from the team before it -- if the general</p> <p>9 practice before it will go to client. So I -- I'm not</p> <p>10 sure who he was verifying, who he assigned.</p> <p>11 Q So people on the redlining team would submit</p> <p>12 things to Prakash, and then he would have somebody else</p> <p>13 from the redlining team give it a double check?</p> <p>14 A Yes, yes, that's correct.</p> <p>15 Q And then it would go to Baxter?</p> <p>16 A To the client.</p> <p>17 Q Okay. And you would often be in the meeting</p> <p>18 with the Baxter folks presenting your redlining to them?</p> <p>19 A Not all the time.</p> <p>20 Q I didn't say all the time --</p> <p>21 A I do not -- I will just give it to them if he</p> <p>22 late -- later on if they set it up some meeting like</p> <p>23 clarification for anything, they will invite me or invite</p> <p>24 other team. Otherwise, when we give to him verification,</p> | <p style="text-align: right;">Page 104</p> <p>1 Q I don't -- I'm not sure my question came</p> <p>2 through. When you had -- when you told Mr. Chapain that</p> <p>3 the templates he was telling you to follow were not up to</p> <p>4 date, what -- how was that resolved?</p> <p>5 A There was never been resolved.</p> <p>6 Q So you just never did the label?</p> <p>7 A I did the label according to the template, but</p> <p>8 at the same time I was nagging this is incorrect</p> <p>9 information.</p> <p>10 Q Okay. And in any of those instances, did a</p> <p>11 meeting with Baxter result?</p> <p>12 A I do not recall that having a meeting regarding</p> <p>13 issue or resolving on that, and I even do not know how it</p> <p>14 was presented to the client. When I give him my output</p> <p>15 and after that, I do not know what exactly happened and</p> <p>16 how it was presented. And it was not only with me. All</p> <p>17 the redline team member did not know it that when they</p> <p>18 give output to Prakash how it presented or if ever even</p> <p>19 been used for that. Maybe they even don't need it. But</p> <p>20 he ask us to do it anyways. We do not have a visibility.</p> <p>21 I did not have a visibility what happened after that.</p> <p>22 Q But if Baxter requests a meeting to go over it</p> <p>23 because of some questions you do not find out about that,</p> <p>24 right, because you sit in those meetings?</p> |
| <p style="text-align: right;">Page 103</p> <p>1 essentially our job is done, then we would move on to the</p> <p>2 next thing.</p> <p>3 Q So I think I follow you. A lot of times the</p> <p>4 work would get double checked, sent to Baxter, and you'd</p> <p>5 never hear anything about it because it was fine?</p> <p>6 A Fine.</p> <p>7 Q Sometimes there would be questions, and there</p> <p>8 would be a meeting as a result?</p> <p>9 A Right.</p> <p>10 Q Okay. All right. Where was I? I lost my</p> <p>11 train of thought there.</p> <p>12 In any of the instances where Mr. Chapain told</p> <p>13 you to follow a template that you disagreed with, was --</p> <p>14 did a meeting result -- a meeting with Baxter result</p> <p>15 about your output? Let me try that again. Different</p> <p>16 way.</p> <p>17 How did the issues get resolved when you raised</p> <p>18 that the templates you were being told to follow weren't</p> <p>19 right?</p> <p>20 A Being a lead, I have to follow what he send me</p> <p>21 and I will give it to him, and if he has a question, he</p> <p>22 will come back to me. If he does not have any question,</p> <p>23 he will never come, I will not hear it again. I will</p> <p>24 just keep -- my work was going to him all the time.</p> | <p style="text-align: right;">Page 105</p> <p>1 A If they invite me.</p> <p>2 Q So -- and so if -- Were you invited to any such</p> <p>3 meeting with respect to any of the instances in which you</p> <p>4 followed a template that you thought was out of date?</p> <p>5 A I was invited only in -- client meeting when</p> <p>6 they are talking a bigger picture regulation; what the</p> <p>7 new regulation are, what regulation will be changed and</p> <p>8 how is going to be impacting on our work stream.</p> <p>9 Q Okay. Work stream, right?</p> <p>10 A Work stream.</p> <p>11 Q So in no instance did a meeting with Baxter</p> <p>12 result from you following the template that Prakash told</p> <p>13 you to follow?</p> <p>14 A I do not recall it. Here and there maybe other</p> <p>15 people would be asking question, but I do not -- just</p> <p>16 like I say we are not allowed directly to talk with the</p> <p>17 client, we have a middle person, Prakash. That's</p> <p>18 something Prakash can explain it.</p> <p>19 Q Focus on my question. You never sat in a</p> <p>20 meeting with Baxter folks where there was a problem</p> <p>21 raised about you following a template that Prakash told</p> <p>22 you to follow?</p> <p>23 A They did not ask me to come in any meeting and</p> <p>24 how it been resolved between client and our management</p> |

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1 lead team. I will not have a visibility unless sometime
2 they will tell me -- tell us -- all of us, maybe change
3 the redline or maybe, you know, we don't need this
4 document to update. So those kind of things will be
5 coming but never -- we are -- it is not direct
6 interaction with client like if we can directly go to
7 tell them. We have a middle person. Our management they
8 will be presenting it.

9 Q So you mentioned a few instances in which you
10 told Prakash that the templates he wanted you to follow
11 were out of date.

12 A Yes.

13 Q In any of those few incidents did a meeting
14 with Baxter result with questions about you following
15 that template?

16 A Those particular template?

17 Q Yes.

18 A I do not recall it?

19 Q Okay. Other than those few instances where
20 there was a template they asked you to follow that you
21 didn't agree with, in any other way did you challenge
22 Mr. Prakash?

23 A There was nothing personal. So I mean I
24 would --

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1 Q I don't mean like to a fistfight. I meant that
2 you challenged something that he told you to do or that
3 he directed you to do.

4 A Any time when the boss says something, or your
5 superior tells you to do it, you have to do it otherwise
6 it's considered as insubordination. I would do it, but
7 at the same time I will say this need to be included. I
8 will do it, I will follow the orders, but, again, I will
9 explain it this need to be improved, this need to be
10 updated.

11 Q That's fine. What I'm asking is, other than
12 the few instances we've talked about already where you've
13 said he was using -- he was telling you to use an out of
14 date template, other than those instances, was there any
15 other instance in which you pushed back or explained that
16 what he was telling you to do might not be right?

17 A Except he was mocking me few time, and I --
18 just in laughable I ignored it. He was mocking me,
19 starting to November on. He was mocking me in the
20 meeting a lot more. That's only thing I noticed. And I
21 was professional, very professional, did not respond as
22 he approached.

23 Q November of what year?

24 A November, 2019.

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1 Q And what does it mean that he was marking?

2 Oh, Mocking? M-O-C-K-I-N-G.

3 A Yes, mocking, yes.

4 Q Okay. In what way did he mock you?

5 A He would just definitely say hey, you know, how
6 old are you? And in this meeting -- like a working
7 meeting, how old are you. And sometime he would say --
8 one time he asked what year you graduated. And then one
9 time he says, when you are planning to retire? And one
10 time he said, oh -- I think it was the same time if I

11 remember correctly -- oh, you know what? Maybe you
12 graduated at that year, maybe Aayushi or himself he would
13 say was not even born. So we were not even born when you
14 graduated, those kind of mock -- I would just joke -- he
15 will ask when you will be retiring? I will say, I'm not
16 sure, I haven't thought about it.

17 So those kind of things starting November on,
18 he would be in -- not outside, not ever client would be
19 there, only our regular team member will be in the
20 meeting and he would say. Some of them they will half,
21 some they will not. They would just totally ignore it,
22 this conversation is taking place.

23 But I was very professional, I did not show
24 anything kind of. And I even did not mention him after

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1 that, hey, you know, you shouldn't be bringing up my age
2 or my graduation year is personal. I never brought -- I
3 never kind of came back because, you know what, I have to
4 work with him. He still my lead, so I have to be
5 respectful. I did not brought it up.

6 Q Have you finished answering?

7 A Yes, I have.

8 Q Okay. We'll get into all that momentarily, but
9 I'm asking about any instances, other than the few we've
10 talked about, in which you challenged a technical
11 decision that Mr. Prakash conveyed to you -- Mr. Chapain
12 conveyed to you.

13 A We would know it only when the labeling team
14 would say it, you guys made this change, this change to
15 be this way. And then I might say hey, you know what, we
16 suggested it, but is not in the template. We will talk
17 with the label. Client would never come back to us and
18 tell us to anything. Client maybe is talking with the
19 labeling team and telling them, hey, this should not be
20 this way, and then they will come back to us, we will
21 correct it.

22 And then we would say, you know what, this
23 template may be needed to update, would not say that,
24 hey, we already mentioned to Prakash or other team member

28 (Pages 106 - 109)

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| <p style="text-align: right;">Page 110</p> <p>1 discuss it. We would say, oh, yeah, the template says 2 this one is need to be updated, just we will change it 3 according to the labeling team. Our team -- labeling 4 team tell us, okay, this is correct or this is incorrect. 5 Q Have you finished your answer? 6 A Yes. 7 Q Okay. You've testified to a few incidents in 8 which Mr. Chapain told you to follow a template that you 9 thought was out of date. We've covered that. Maybe let 10 me explain. 11 You answered in your interrogatory answers that 12 you challenged Mr. Prakash, some of his technical 13 decisions at times. 14 A Right. 15 Q I'm trying to understand the universe of those 16 events. I just want to know what they are. So we've 17 established the few incidents where you said the template 18 you were being told to follow was out of date. We've got 19 those. Other than those, did you challenge a technical 20 decision from Mr. Chapain in your work with him? 21 A Yes. I would definitely say that one -- that 22 the process that they was following, I would say this 23 need to be done with one person. I was going by my 24 experience of previous jobs that we do this thing one</p> | <p style="text-align: right;">Page 112</p> <p>1 a lot of correction error has been done, then it will go 2 to Prakash, and then management review will take place at 3 that time. Then it will go to the client, and client 4 will be talking with the labeling team. 5 So basically you are adding one more layer to 6 do the verification which will cut down our rework 7 through the labeling team. So our labeling team was -- 8 whatever we were doing it, they were asking us to retouch 9 those one which end up being a rework. And that's the 10 work technical error was happening because one additional 11 verification was missing in the process. 12 Q And what happened when you proposed this 13 process change? 14 A You know, you don't know. That's maybe an old 15 school. 16 Q You don't know? He said you don't know? 17 A He said, maybe you don't know. That is old 18 school approach. This is old school approach what you 19 are saying it. It worked all the time, rework. 20 Q So the process change you proposed didn't 21 happen? 22 A Never. 23 Q Do you believe that that was somehow relevant 24 to your termination?</p> |
| <p style="text-align: right;">Page 111</p> <p>1 way. The other person verified it, we need to get 2 verification from the client, get back to information to 3 us their feedback, and then we should give it process to 4 the labeling. That way it cut down our process team and 5 we would have less rework. 6 I challenged, let me make it simpler for you on 7 the amount of rework what we was getting it. I challenge 8 on technically that can be improved because everything 9 what we was doing it, we have to retouch back to that one 10 through the labeling team. And at that point I say the 11 -- not only template, the process need to be improved how 12 we reach out to all these changes. And I was -- keep 13 mentioning it here and there whenever the issue would 14 come, I would say there's -- we need to -- the process 15 need to be improved, we need to have it cut down our 16 rework. 17 Q What was the process improvement that you 18 proposed? 19 A I will always improve it 1 percent to the 20 redline. His colleague, without going to Prakash, 21 another layer will verify, buddy system, every 22 verification everywhere I seen it. The buddy system 23 works here, they know each other's job, both of those 24 workers, and they will verify, and when the work is done,</p> | <p style="text-align: right;">Page 113</p> <p>1 A I would not say that is relevant to my 2 termination because before my termination I got clear 3 conversation from Prakash, this is all stage show. 4 Consider yourself out from HCL, consider yourself out 5 from Baxter. I don't know what was causing or what was 6 the reason I came up to the performance improvement, PIP 7 plan. I have no reason what was contribution, but 8 definitely I was -- every time I see the gap and risk in 9 the process, being working in this industry and different 10 role and responsibility, I pointed out. 11 And that was I thought is my responsibility to 12 point out for the better team building that we will 13 improve ourself. So I -- and I never hesitated in my 14 career to bring up a -- my input and my process 15 improvement and what the risk could be involved bring up 16 to the table to the management, to my colleague that, 17 hey, you know, this is -- if we will approach this way, 18 might it will work. I've seen it in the past, it did 19 work. 20 Q Are you done? 21 A Yes. 22 Q When did you propose this process improvement? 23 A All the time as long I was on this assignment. 24 Q From day one?</p> |

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| <p style="text-align: right;">Page 114</p> <p>1 A Day one.</p> <p>2 Q And every day since?</p> <p>3 A Listen from one ear, gone from another ear.</p> <p>4 Q You raised it every day?</p> <p>5 A Not every day. I mean -- it's not practical to</p> <p>6 bring everything every day. Different day, different</p> <p>7 issue, different approach, but the concept, process</p> <p>8 improvement I'm in big favor of that one and I always</p> <p>9 brought it up whenever I have opportunity to bring in on</p> <p>10 the table.</p> <p>11 Q When was the first time you brought it up?</p> <p>12 A When I joined the team.</p> <p>13 Q The day you joined the team?</p> <p>14 A No, not day -- of course I have to kind of</p> <p>15 learn it, but the work is redlining and all those one</p> <p>16 now. But when I start working with Michael Chellson,</p> <p>17 because he was SME and exchanging ideas, and he would say</p> <p>18 this is what we're doing, and then no matter what we were</p> <p>19 doing it, I will just bring it up and brainstorm with</p> <p>20 Michael Chellson early on, but I think everybody in</p> <p>21 the -- is common practice.</p> <p>22 Everybody is free to bring their ideas on the</p> <p>23 table. It doesn't matter if it's been implemented or</p> <p>24 not, but we can definitely bring our ideas on the table.</p> | <p style="text-align: right;">Page 116</p> <p>1 Q So you don't remember what anybody said about</p> <p>2 it?</p> <p>3 A I would recall most of the time my ideas was</p> <p>4 appreciated and -- at the team level as a coworker, but</p> <p>5 implementation, I did not see it there.</p> <p>6 Q What I'm asking is, do you remember what</p> <p>7 anybody in the room when you brought it up said?</p> <p>8 A Is a good idea, we should look into it.</p> <p>9 Q Who said that?</p> <p>10 A I would say Mohammed Ahmed said few time, then</p> <p>11 Heather Lewis said few time, Donna Baird said it a few</p> <p>12 time also.</p> <p>13 Q I'm talking about the first time you brought it</p> <p>14 up. I'm trying to take it one step at a time. We'll get</p> <p>15 to the next times. Believe me. I'll get there.</p> <p>16 But on this first meeting where you brought it</p> <p>17 up when Michael Chellson and Donna Baird was there, and</p> <p>18 now you've given a list of other people were there, who</p> <p>19 do you recall saying good idea?</p> <p>20 A Donna Baird.</p> <p>21 Q Anyone else?</p> <p>22 A Donna Baird. And I do not recall about Heather</p> <p>23 Lewis. She was in the room what she said it, but Donna</p> <p>24 Baird definitely acknowledged my idea.</p> |
| <p style="text-align: right;">Page 115</p> <p>1 Q So the first time you brought it up was to</p> <p>2 Michael Chellson?</p> <p>3 A Michael Chellson, Donna Haase in the team</p> <p>4 setting.</p> <p>5 Q Donna who?</p> <p>6 A I'm sorry, Donna Baird. In the team setting.</p> <p>7 Like, you know -- team -- our group meeting, working</p> <p>8 meeting is happen. If something I notice it, I would</p> <p>9 bring up, and I would maybe give example in the past</p> <p>10 that's how we've done it and how we improved it. And</p> <p>11 Donna Baird would bring to, Michael Chellson would bring</p> <p>12 maybe Heather Lewis has her background, different ideas.</p> <p>13 So everybody would bring the ideas, but, ultimately, is</p> <p>14 team management to see in how they want to improve it.</p> <p>15 Q This first time you brought it up with Michael</p> <p>16 Chellson and Donna Baird was Mr. Chapain in the room?</p> <p>17 A Mr. Chapain was in the room. The entire team</p> <p>18 was in there too, was in there.</p> <p>19 Q Other than Mr. Chapain, did anyone comment on</p> <p>20 your idea?</p> <p>21 A Definitely. They say we need to look into it,</p> <p>22 think it, but, again, we can just propose the idea just</p> <p>23 like me, I can propose, other team member can propose the</p> <p>24 idea.</p> | <p style="text-align: right;">Page 117</p> <p>1 Q Did anybody say anything else about it in that</p> <p>2 meeting?</p> <p>3 A No, I do not recall it.</p> <p>4 Q Nobody said bad idea or no, it wouldn't work?</p> <p>5 A No.</p> <p>6 Q All right. When was the next time you brought</p> <p>7 this idea up?</p> <p>8 A Not same idea. Different idea. Always when we</p> <p>9 do, depend what the issue is. The idea does not stay the</p> <p>10 same.</p> <p>11 Q Let's take one idea at a time. You brought up</p> <p>12 an idea to change the process for approving the redlining</p> <p>13 where it was going to be double checked by a colleague</p> <p>14 before it went to Prakash rather than going to Prakash to</p> <p>15 assign out for peer review, correct?</p> <p>16 A Correct.</p> <p>17 Q That was one idea you had, correct?</p> <p>18 A Correct.</p> <p>19 Q How many times did you raise that idea?</p> <p>20 A Every time when we get from the labeling team a</p> <p>21 correction, I will not use the exact word, but I would</p> <p>22 bring up, you know, might we need to improve our process,</p> <p>23 technically maybe we need to review this one one more</p> <p>24 layer of verification. That's kind of things I would</p> |

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| <p style="text-align: right;">Page 118</p> <p>1 say. How many time labeling team came back to us for 2 rework? I do not recall it. 3 Q Okay. But what I'm asking you is how many 4 times you brought up the idea that the peer review should 5 happen before Prakash not after? 6 A I do not recall it how many time, but 7 definitely is multiple times. 8 Q How many roughly? 9 A I will not say it, I will not know it, but that 10 idea brought it up several times. Not one time, two 11 times. More than that. 12 Q More than ten? 13 A Maybe in different setting, different meetings, 14 a different way, but same idea only that idea. Then how 15 we going to improve the rework, that's a different thing. 16 But yes, I will say it, yes is multiple times. 17 Q More than ten? 18 A I would say around ten time. 19 Q Around ten? 20 A Around ten. I cannot count on that one there. 21 Q What other process improvements did you bring 22 up? 23 A We need to get a cross-training with the 24 labeling team.</p> | <p style="text-align: right;">Page 120</p> <p>1 Q Did you raise this idea to Michael Chellson? 2 A Michael Chellson was long gone. Michael 3 Chellson -- me and Michael Chellson, our life -- I do not 4 recall how many month was there. I started June, July, 5 and I don't know what time Michael Chellson was gone. So 6 Michael Chellson was -- was one of the first was let go, 7 so I do not recall what month he was gone. 8 Q You don't remember raising this idea to 9 Mr. Chellson? 10 A I do not recall. 11 Q Did you raise this idea to Ms. Bork? 12 A Ms. Bork would not be looking every day and day 13 activity, but Prakash is the one definitely in -- if he's 14 in the meeting attending it, Prakash and my colleague. I 15 brought the idea to my colleague and my team lead 16 Prakash. Bork won't be in every single meeting. 17 Q So the only people you brought this idea up to 18 were your redline colleagues and Mr. Chapain? 19 A Mr. Chapain. And Bork was not around and 20 Michael Belmont was not around. 21 Q What did Mr. Chapain say about the idea? 22 A He would just listen, and sometime he would 23 say, oh, okay, and that's it, he will leave it like that. 24 He will not say he will follow through or he will look</p> |
| <p style="text-align: right;">Page 119</p> <p>1 Q What does that mean? 2 A What mean is labeling team is looking at when 3 label comes to that, then we will familiarize ourself 4 what they pick on and how they review in their eyes this 5 process. And then when we are redlining it, we will keep 6 those guidelines in front of us as a guidance. 7 Q And how many times did you bring this idea up? 8 A Same thing, multiple times. Maybe seven, 9 eight, ten times I brought it up that one. 10 Q Who did you bring it up? 11 A In the working team setting. 12 Q Yeah. But who was there? 13 A At that time maybe in the meeting all these 14 people you mentioned, maybe half of them are on the 15 phone, maybe not all of them like Kunai -- Kunai Patel, 16 an example -- if you said how many, I cannot count it. 17 Kunai Patel attended maybe in a month, out of our 30 18 meetings, he attended maybe four, five meetings. So I 19 could not count it. I do not have a calculation how many 20 people are in the room, but I would say whoever was 21 invited in those meeting, I brought it up, we need to see 22 leveling side of the story how they review it that we 23 will be well prepared and keeping those guideline in our 24 mind while we are doing the redline.</p> | <p style="text-align: right;">Page 121</p> <p>1 into it, he will not say, in other words, do not give me 2 another idea, another input. But he would not say. 3 Directly he would say, okay, that's it, and he will leave 4 it there. 5 Q Was there any contentious conversation around 6 the idea? 7 A No. It's company's work so as a corporation 8 work we are just doing -- playing our own role and our 9 responsibility. It's nothing personal. 10 Q Okay. Other than the ways we have discussed 11 already, did you challenge a decision -- a technical 12 decision made by Mr. Chapain? 13 A I would say definitely his management style was 14 not open enough. 15 Q I'm not asking for your opinions right now. 16 I'm asking you did you raise a challenge to a technical 17 decision made by Chapain other than the ones we've 18 already discussed? 19 A Maybe I brought it up. Now two year back I 20 being not recall how many time technical I see and I 21 challenge it every day, it's new issue, new situation, 22 and my idea, my input will be a different and my -- will 23 consider as a challenge or might not, but, again, I could 24 not recall all those instance.</p> |

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| <p style="text-align: right;">Page 122</p> <p>1 Q Okay. So the only instances that you can 2 specifically recall of challenging a technical decision 3 by Mr. Chapain we've already discussed today? 4 A Yes. 5 Q Did you ever complain to Mr. Chapain that he 6 lacked technical knowledge? 7 A Yes. 8 Q What -- 9 A I say maybe you did not have experience working 10 on technical document. When I say the word technical 11 document, I'm saying it is a huge bundle of documentation 12 which go through the regulatory process to route and 13 approve it. And I said maybe you do not have a whole -- 14 this technical documentation process work, and this 15 redlining and updating our label is just a piece of that 16 entire process. 17 So we need to look at how many document has 18 been updated and -- with this change, redline. Critical 19 warning example I'm using, if critical warning is 20 updated, how many technical documents has been involved? 21 I think he did not have a visibility and understanding on 22 that one, is lot more goes into it. 23 Q And you raised that with him as a problem, 24 correct, is that what you're telling me?</p> | <p style="text-align: right;">Page 124</p> <p>1 A Not personally. That's how now it is the 2 business world. Personally, no, but I definitely thought 3 that if somebody would have a worthwhile knowledge about 4 labeling, that would be beneficial to the team. It would 5 be benefit to the team. 6 Q So you thought Prakash probably wasn't proper 7 for the role he was in? 8 A In the management side, I'm not sure, but as 9 a -- as a -- managing the issues and responding it, I 10 would say he was not the right person, no. They could 11 have a -- someone more experienced, so -- who done this 12 work hands on, maybe will be more benefit in the role. 13 But I never, like, confronted him. I just in 14 professional way I say, maybe you need to consult with 15 the technical team and -- technical documentation team to 16 understand what more goes into it, and then I left it 17 right there. But there was not a -- any time I kind of 18 disrespected as a lead. I was always very professional. 19 Q Okay. Do you know Mike Belmont's visa or 20 citizenship status? 21 A No, I would not know. 22 Q Do you know his age? 23 A No, I would not. 24 Q Do you know Prakash Chapain's visa or</p> |
| <p style="text-align: right;">Page 123</p> <p>1 A Yes, I said him, you know what, I think maybe 2 you need to look or communicate with -- every time when 3 you have a change talk with the technical documentation 4 team and get their input and ideas on that. 5 Q Mr. Chapain never claimed to be an expert on 6 the labeling regulations, did he? 7 A He did not complain him he is expert on that, 8 but he was on the role and the responsibility to manage 9 entire piece, and that includes issues too, day-in, 10 day-out issue. 11 Q Mr. Chapain was readily clear he was not the 12 SME on labeling, correct? 13 A He is not, but ultimately he is responsible 14 label has been updated as part of procedure and process. 15 Q Just like the CEO is ultimately responsible for 16 everything that the company, but doesn't do everything, 17 correct? 18 A Right. But I will not give example here as 19 CEO, because he is just one step higher then as a lead. 20 He is not even a project manager. Lead mean you have 21 experience doing that work plus more. 22 Q Did it bother you that the person who was over 23 you on the redlining team didn't know anything about 24 redlining?</p> | <p style="text-align: right;">Page 125</p> <p>1 citizenship status? 2 A I would not know his status of visa or 3 citizenship. I would not know it, but he would know it 4 -- I mean, he speaks their language, the people who are 5 on our teams like I mention it, but I would not know it. 6 I never kind of look into it anyone what is 7 their working status. I never -- never encountered to 8 look at it and ask that question. So I would not know 9 it. Only what I overheard it, that's what I mentioned, 10 but I would not know it what is his legal status is and 11 how he was here in U.S., no. 12 Q Okay. So just to get a simple, short answer, 13 you do not know Mr. Chapain's visa or citizenship status? 14 A No. 15 Q Thank you. 16 MR. GUNN: Can I take a -- Can we take a quick 17 break? 18 MR. LIDBURY: Sure. 19 THE VIDEOGRAPHER: This is the end of media 3. 20 We're going off the record. The time is 2:36 p.m. 21 (Off the record) 22 THE VIDEOGRAPHER: This is the start of media 4. We 23 are going on the record. The time is 2:49 p.m. 24 MR. LIDBURY: Q All right. Here we go again. Let</p> |

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1 me start with -- We were just about wrapping this up. I
 2 think you've already told me, you don't know Mike
 3 Belmont's age?
 4 A No.
 5 Q You don't know Prakash Chapain's age?
 6 A No.
 7 Q Okay. Did any of your redline team members
 8 have the requisite technical knowledge to do their jobs?
 9 A The people who been around in our industry,
 10 they had a more -- they have a knowledge. The people who
 11 came from college graduate and having first or second
 12 assignment -- having first or second year working being
 13 assigned, being in practical life, they did not have any
 14 knowledge and background on redlining.
 15 Q So some of your redlining team members came to
 16 the project with knowledge about labeling?
 17 A Right.
 18 Q And others did not?
 19 A Right.
 20 Q Okay. Did they acquire that knowledge in their
 21 role?
 22 A I'm not sure what you mean by acquire
 23 knowledge.
 24 Q Well, you said that the people who were new to

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1 the project fresh out of school, year or two in, did not
 2 have the expertise in labeling to do the job when they
 3 got there, is that right?
 4 A That's correct.
 5 Q Okay. How did they get it?
 6 A They did what has been told to them, but not
 7 know where this information is coming in. It's just like
 8 what is told, you do it. Do not ask any question why I'm
 9 doing it. I think they were lacking on that information.
 10 But copy and pasting everybody can do it. But why we are
 11 copying and pasting it that knowledge, I don't think so
 12 they had it.
 13 Q How did they get what knowledge they did have?
 14 A Just by maybe doing it or looking at the
 15 template because they will not question anything which is
 16 this template, maybe they will just follow. I do not
 17 know the specific because I did not know each of them
 18 exactly what they was doing. They were part of the team,
 19 they was on assignment, but everyone has it separate
 20 assignment. I will not know detail how much they was
 21 involved in redlining.
 22 Q So you testified that while Chellson was there,
 23 you had meetings one on one with him where he told you
 24 what to do, correct?

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1 A As SME, yes.
 2 Q And he also probably had those meetings with
 3 your colleagues?
 4 A I'm pretty sure. At that time if he was the
 5 lead, yes.
 6 Q Did you complain about any of your other
 7 colleagues' work?
 8 A Since I do not look over their work and I do
 9 not their work, I really don't have a direct interaction
 10 with them.
 11 Q Did you complain that you had to do their work
 12 for them?
 13 A If they ask, I will not keep counting. If they
 14 will come and ask me any input, I will definitely give my
 15 input, but I will not complain it that my colleague ask
 16 me a specific question.
 17 Q Did you feel that your colleagues were not
 18 carrying their own weight and that you had to carry their
 19 weight for them?
 20 A General regulation collaboration we always do
 21 it. I don't know what you mean by -- if you can please
 22 elaborate what you mean it carrying weight.
 23 Q Is that a phrase you've ever heard before?
 24 A No, I heard it, carrying weight, but I just

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1 wanted to see it asking question and stopping someone,
 2 could you -- what is your understanding about this
 3 regulation, I will not say they are not carrying their
 4 weight. Maybe they need little bit more interpretation.
 5 Q So you believed that your colleagues were
 6 carrying their own weight?
 7 A I would not saying about carrying weight. They
 8 would come to me -- many -- like Mohammed Ahmed would
 9 come, all these young people would come and ask their
 10 work input to me, they will ask it. I will not say they
 11 was not carrying their weight, but they needed guidance,
 12 and I was -- as a senior team member, they would ask. I
 13 would not know their specifics. I would not know their
 14 specifics what.
 15 Q You got into labeling in what, November of
 16 2019?
 17 A Let me ask what you mean by you got in the
 18 labeling.
 19 Q You began redlining labels in November, 2019 --
 20 July? You tell me when you joined the redlining team.
 21 A Right. I joined -- regulatory team is not only
 22 doing the redline. We've been talking about redlining,
 23 but I would say redlining is just a part of my job
 24 function. My job is to look the regulation also and in

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1 doing the interpretation. So I would -- I would just say
 2 the labeling, if the specifically we are talking about
 3 labeling, I'm familiar, I know what those redlines are.
 4 In the past, every time when we work in GNP environment
 5 we are directly or indirectly involved with the labeling,
 6 but if you are --
 7 Q But --
 8 A If you are asking real redlining, I started at
 9 that time.
 10 Q When would you say you became a subject matter
 11 expert in EU labeling requirements?
 12 A I was not a subject matter expert on labeling.
 13 We would not call it EU SME labeling. We would call it
 14 EU MDR regulatory affair subject matter expert.
 15 Q Let me see if I understand. When you were on
 16 Prakash's or Chellson's team, later Bork's team, your job
 17 was to redline labels, correct?
 18 A And interpretation of regulation.
 19 Q You have to do that to redline the labels,
 20 correct?
 21 A That's correct.
 22 Q So that's -- Knowing the regulations is a
 23 prerequisite to red lining?
 24 A Yes.

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1 Q But redlining was your job, right?
 2 A Correct.
 3 Q Had you ever redlined a label before joining
 4 Chellson's team?
 5 A I reviewed and approved it while I was in
 6 quality engineer. I reviewed, I approved it the
 7 redlines according to regulation, but, physically, I did
 8 not redline it.
 9 Q When is the first time you read the EU MDR
 10 regulation that is came into effect in 2016?
 11 A When they asked me to join the team. I'm not
 12 sure exactly what time and what year I did, but when they
 13 asked me to join the EU MDR team, at that point around
 14 2016, 2017, at that time I read the regulation.
 15 Q And did you consider yourself an expert at that
 16 time on what labeling requirements existed in those
 17 regulations?
 18 A I was more involved in regulatory affair in
 19 economic operator side. That's where I spend more time.
 20 This was -- this was one branch of the work, but I was
 21 not directly involved in this work stream, let's say,
 22 this one. This work stream I was not involved until
 23 July, 2019.
 24 Q Okay. Did you consider yourself more

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1 knowledgeable about the regulations relating to the
 2 redlining that had to be done in -- when you joined that
 3 group than the other people in the group?
 4 A I would say yes because for FDA -- for U.S. FDA
 5 I reviewed and approved those document in the past, so I
 6 have -- I definitely had more knowledge about redlining.
 7 Q Some of the people in the redlining team had
 8 been redlining labels to come into compliance with the EU
 9 MDR regulations for years before you got there, correct?
 10 A I cannot speak for the other peoples. I have
 11 no idea how many people -- nobody talks about their
 12 background.
 13 Q Okay. But people had been doing the job before
 14 you got to that team, correct?
 15 A Yes, it was already team was established, yes,
 16 that's correct.
 17 Q And they were getting their work done without
 18 your help, right, because you weren't there?
 19 A Yeah, I was -- I didn't join the team. How the
 20 work was done and who was managing at that time the team,
 21 I do not have visibility. I do not know. I never even
 22 ask it who was managing this team and how the work was
 23 done. But that work stream -- limited work stream was
 24 there, yes, that's correct.

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1 Q Okay. Did you feel that any of your colleagues
 2 on the redlining team were pushing their work off onto
 3 you?
 4 A Pushing on me in which way?
 5 Q Are you unfamiliar with the term pushing off?
 6 A Pushing off -- You are saying doing the work?
 7 Because pushing off --
 8 Q What does the phrase pushing off mean to you?
 9 A Pushing off mean giving to someone else to do
 10 the work?
 11 Q Yes.
 12 A They would ask me to check or maybe ask
 13 regulation a particular question and they would keep
 14 asking me maybe in two or three times a day would be
 15 stopping and asking what your thoughts are on this one
 16 and what my understanding is. I will give my input, and
 17 then after that I would not know what they done because,
 18 again, I do not know their work. They would ask a
 19 general interpretation, I would tell them my input.
 20 Q Did you ever feel like you were being imposed
 21 upon by your colleagues to basically do their work for
 22 them?
 23 A I never thought it, not in this position, not
 24 any other position, if my colleague will ask and approach

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| <p style="text-align: right;">Page 134</p> <p>1 me and I will consider this person is pushing his work on 2 my way. I will never looked that way. 3 Q Did you ever complain about having to translate 4 for colleagues because of their thick accents? 5 A Yes. Actually I was not only particular about 6 this job function. All that I was in HCL time I was -- 7 when the newcomer come from overseas, I would teach them 8 how to interact in that team setting and also start 9 explaining like a little bit culture. Sometime maybe I 10 would take them out for lunch, say, hey, you know what, 11 I'm going outside to get a Subway, you want to come with 12 me. And I will say so -- get them familiarize with the 13 culture of this country and the work ethic because most 14 of them are new graduates. 15 So I would just kind of coach them and guide 16 them when they are in the meeting. And the other team 17 member, the U.S. cities and client are the other 18 colleague who are U.S. cities and might won't understand 19 their English or accent, and I would definitely guide 20 them and coach them, and I thought that is the right 21 thing to do as a colleague. 22 Q Did you think that the need to translate for 23 your colleagues was preventing you from doing your own 24 work?</p> | <p style="text-align: right;">Page 136</p> <p>1 available, did it get to a level where you feel it 2 impeded your ability to effectively do your work? 3 A Even though I did, I will never bring up to my 4 manager and superior that this person is bothering me or 5 asking me two question because I expect a new person 6 would be asking more questions. 7 Q One step at a time. Did you feel that you were 8 being imposed upon for translation work or training other 9 people to an extent that it prevented you from 10 effectively accomplishing your tasks? 11 A I maybe felt it inside, but I never express it. 12 Q You maybe felt it or you did feel it? 13 A Of course you feel it when somebody stop you 14 what you are doing it, but is not mean that I will raise 15 a question to everyone and explaining it. So I would 16 not. 17 Q Which of your colleagues imposed upon you to 18 such an extent that you felt it impeded your ability to 19 effectively do your work? 20 A If you are asking a question as yes, no. 21 Q No. I asked which colleagues. You already 22 said it happened, you felt that way. 23 A I would say any newcomer would come in, like a 24 Aayushi would be asking me because being a new maybe</p> |
| <p style="text-align: right;">Page 135</p> <p>1 A I never looked at it that way. Any time when 2 somebody comes to stop me what I'm doing it and asking 3 they're thing, I offer my services at that time, yes. I 4 never looked at it that way. 5 Q Do you today think that they were imposing on 6 you to an extent that they were impeding your ability to 7 get your work done effectively? 8 A I would not look at all this thing this way. I 9 would say somebody needed support our help. Little bit 10 direction as a colleague is my responsibility. That's 11 what I learn with 30 plus year experience of working in 12 the industry, you work with the people, and that's how I 13 am. My approach has never been changed, still, work with 14 the people, work with colleague. 15 Q Whether you had a good mindset about it or a 16 negative mindset about it, you -- I think what you're 17 saying is that you did not feel that you were being 18 distracted from your own work to the extent that you 19 couldn't effectively do your job, is that right? 20 A I would not consider that way. I will do what 21 I have to do it. I will go above and beyond on the job 22 that I'm doing it, but at the same time if -- my -- my 23 doing work, somebody asks help, I'm available. 24 Q And when they asked that help and you were</p> | <p style="text-align: right;">Page 137</p> <p>1 have, and sometime Shraddha would be asking to me 2 question being a new, Mohammed Ahmed would be asking me 3 question to me and seeing how he has to present, how he 4 need to talk, how -- things like that. They would -- 5 they would ask it and whatever they would ask, and if I 6 would be helpful, I will answer it. 7 Q So those three people that you mentioned, it 8 was Aayushi, Mohammed -- and I'm forgetting the middle 9 one. 10 A Aayushi and Shraddha. 11 Q Shraddha. 12 A Shraddha. 13 Q Those three people imposed upon you to such an 14 extent that it impeded your ability to effectively do 15 your job? 16 A They were. And Kunai Patel interacted with me 17 very few time. Kunai Patel, he was a colleague. He 18 would maybe ask me few time, I do not recall it some 19 question, but he would ask me question, I would response. 20 But, again, Kunai Patel was never around in these 21 meeting. I really do not know what his job function was, 22 Kunai Patel. He was part of the team, but that was 23 fourth person I would say. Sometime he would ask it. 24 Q Did he contribute to your inability to</p> |

| | |
|---|--|
| <p style="text-align: right;">Page 138</p> <p>1 effectively do your own work?</p> <p>2 A Sometimes, yes, he did. He asked me, and I</p> <p>3 kind of whatever I was doing, I stop it, and I kind of</p> <p>4 guide him. But, again, he's not around, and I do not</p> <p>5 really know what Kunai Patel was doing.</p> <p>6 Q You never complained to Mr. Chapain or</p> <p>7 Mr. Belmont that the need to help these people out so</p> <p>8 much was impeding your ability to effectively do your</p> <p>9 job?</p> <p>10 A No, they knew it. They realized that they need</p> <p>11 lot of guidance and interaction and doing -- knowing how</p> <p>12 to present in the meetings, so. Yes, they were very well</p> <p>13 aware of that, that they need -- lot of work need to be</p> <p>14 done on them.</p> <p>15 Q What I'm asking you is, did you tell Prakash</p> <p>16 Chapain or Mike Belmont that the needs that those people</p> <p>17 were putting onto you were impeding your ability to do</p> <p>18 your work?</p> <p>19 A I never complained it.</p> <p>20 Q Okay. Before you left HCL, were you aware that</p> <p>21 your colleagues felt that you were imposing on their</p> <p>22 ability to do their own work by putting your work onto</p> <p>23 them?</p> <p>24 A Before I let go, no, I was not aware that I</p> | <p style="text-align: right;">Page 140</p> <p>1 MDR. He was a Baxter client, and just like Susan Trost</p> <p>2 we talked about when I was a quality engineer, she was my</p> <p>3 Baxter client manager, Todd Carmody was at one point was</p> <p>4 my client Baxter manager in EU MDR.</p> <p>5 Q And where in the organization does he sit</p> <p>6 relative to Cheryl Bork?</p> <p>7 A I will not -- I will not know it who has a</p> <p>8 higher position. I would not know it. He was a manager,</p> <p>9 she was a manager, so I would not know it how I can</p> <p>10 distinguish. I would not know their grading system.</p> <p>11 Q Okay. Do you remember informing Robert Horvath</p> <p>12 and Todd Carmody of you being placed on a PIP?</p> <p>13 A Yes. I send it to Rob Horvath because I was --</p> <p>14 when I put him on PIP, I communicated that looks like</p> <p>15 they are -- they are planning to let me go because HR</p> <p>16 already told me about two week before let go, March 23rd</p> <p>17 I think or something like that, HR communicated you have</p> <p>18 two week to find a job within the organization. And I</p> <p>19 said, help me out, look for me other job, and meanwhile I</p> <p>20 will communicate internally within the project if</p> <p>21 somebody can help me to find the job.</p> <p>22 This is when they already told me you will be</p> <p>23 let go in two week if you do not find the job. At that</p> <p>24 point I reach out to Rob Horvath, and I ask it, do you</p> |
| <p style="text-align: right;">Page 139</p> <p>1 was -- in any form or shape I was putting my work pushing</p> <p>2 on their weight.</p> <p>3 Q Were you aware that anyone had complained about</p> <p>4 that, whether you agree with it or not?</p> <p>5 A No, I was not aware of that.</p> <p>6 Q And throughout discovery in this lawsuit, are</p> <p>7 you now aware that some of them complained about that?</p> <p>8 A Now I know, yes.</p> <p>9 Q Okay. And do you agree or disagree with their</p> <p>10 complaints?</p> <p>11 A I disagree.</p> <p>12 Q Who is Robert Horvath?</p> <p>13 A Robert Horvath is working underneath Jeff</p> <p>14 Birmingham, again MDR program manage overarch. That was</p> <p>15 his responsibility to look over this work stream which</p> <p>16 they call regulatory affair, regulation, and labeling.</p> <p>17 So he was looking at Robert Horvath as a -- he was</p> <p>18 looking over that work stream.</p> <p>19 Q Where did Robert Horvath sit in the</p> <p>20 organization relative to Cheryl Bork?</p> <p>21 A Much higher -- much higher than Cheryl Bork I</p> <p>22 would say, but a different function.</p> <p>23 Q Todd Carmody, C-A-R-M-O-D-Y, who is he?</p> <p>24 A At one point I reported him when I was in EU</p> | <p style="text-align: right;">Page 141</p> <p>1 have any job or any other function for me within</p> <p>2 organization.</p> <p>3 Q Would you mark this as Exhibit 1.</p> <p>4 (Exhibit 1 marked as requested)</p> <p>5 (Discussion had off the record)</p> <p>6 MR. LIDBURY: Richard, I can just tell you what I'm</p> <p>7 marking as Exhibit 1, because I'm sure you have it. It's</p> <p>8 Plaintiff's Response to Defendant's First Set of</p> <p>9 Interrogatories.</p> <p>10 Q I think you have in front of you what's been</p> <p>11 marked Exhibit 1. When you've had a chance to</p> <p>12 familiarize yourself with it, would you let me know if</p> <p>13 you recognize it.</p> <p>14 A You want me to kind of go through this one?</p> <p>15 Q Yes. And for starters, I just want to know if</p> <p>16 you recognize it.</p> <p>17 A Yes, I do.</p> <p>18 Q What is it?</p> <p>19 A Basically it's asking that -- my questions</p> <p>20 interrogatories and stated and identify all the facts</p> <p>21 related to your allegations, and then I kind of answer it</p> <p>22 to that question.</p> <p>23 Q If we flip into the document to -- I don't know</p> <p>24 if -- There's no page numbers, but can you find the page</p> |

36 (Pages 138 - 141)

| | |
|--|--|
| <p style="text-align: right;">Page 142</p> <p>1 labeled at the top titled Verification.</p> <p>2 A Yes.</p> <p>3 Q Do you recognize that as your signature to this</p> <p>4 document?</p> <p>5 A So you are looking at my signature and the</p> <p>6 date?</p> <p>7 Q Correct. I'm just asking you if that's your</p> <p>8 signature on that document?</p> <p>9 A Yes.</p> <p>10 Q That was your verification that the information</p> <p>11 provided to the interrogatories was true and correct to</p> <p>12 the best of your knowledge?</p> <p>13 A Yes.</p> <p>14 Q Okay. I'm going to point you to a particular</p> <p>15 area in a second, but did you ask Mr. Horvath and</p> <p>16 Mr. Carmody to intervene on your behalf with respect to</p> <p>17 your position at HCL or with Baxter?</p> <p>18 A Yes. I reach out to Rob Horvath and Todd</p> <p>19 Carmody. I did not get any response back from Todd</p> <p>20 Carmody but, yes, I reach out to -- to Rob Horvath also</p> <p>21 and, he said, okay, I will look into it. Unfortunate.</p> <p>22 Q So if you look at -- Unfortunately, there's no</p> <p>23 page numbers. If you look -- yes, to the first -- I'm</p> <p>24 sorry -- to the first -- to the second interrogatory,</p> | <p style="text-align: right;">Page 144</p> <p>1 Rob Horvath said, let me look into it. That mean if not</p> <p>2 within the organization, might he will look someone</p> <p>3 outside. So that's -- but it is not recorded, but that's</p> <p>4 what he said, HCL, they do not have control on HCL. Even</p> <p>5 though HCL is reporting them, they do not have the</p> <p>6 control, yes, that's correct.</p> <p>7 Q What did you ask them to do?</p> <p>8 A Within the organization if there is a</p> <p>9 opening -- because when I was informed that you have two</p> <p>10 week to look for a job and I ask HR to please look for me</p> <p>11 also internally and I will reach out to the people who I</p> <p>12 work in the past or I know them, and Todd Carmody and</p> <p>13 Robert Horvath was one of them I reach out.</p> <p>14 And since they are not -- since they are not</p> <p>15 HCL employee, they do not have control, but I got only</p> <p>16 response back from Robert Horvath.</p> <p>17 Q Did you ask them to do something about your</p> <p>18 PIP?</p> <p>19 A No. Find another assignment because HR at that</p> <p>20 time told me March 23rd. PIP was 3-10, something created</p> <p>21 March 20th. After two week from that HR told me, you</p> <p>22 have two week to find a job, otherwise, March --</p> <p>23 April 3rd will be your last day working with HCL. So I</p> <p>24 was in hurry to ask other people if they have any other</p> |
| <p style="text-align: right;">Page 143</p> <p>1 third page into the document.</p> <p>2 A First page in the document?</p> <p>3 Q Third page into the document. It's the answer</p> <p>4 to the second interrogatory.</p> <p>5 A Okay.</p> <p>6 Q You can read the whole interrogatory if you</p> <p>7 want.</p> <p>8 A You're talking about 6?</p> <p>9 MR. GUNN: Down here. So just after the first page,</p> <p>10 you have the question 2 at the bottom, second page, and</p> <p>11 then the answer starts on the top of page 3.</p> <p>12 THE WITNESS: Yes. Actually this way.</p> <p>13 I reach out to -- Yes. What's the question?</p> <p>14 MR. LIDBURY: Q Let me ask the questions.</p> <p>15 First of all, do you remember giving that</p> <p>16 answer to interrogatory number 2?</p> <p>17 A Yes.</p> <p>18 Q Okay. In the second paragraph, last sentence,</p> <p>19 says that Mr. Horvath or Mr. Carmody -- I'm not sure</p> <p>20 which -- responded to you that they had no control over</p> <p>21 the situation or some words to that effect.</p> <p>22 Is that your recollection?</p> <p>23 A Yes, because they are not HCL, they are Baxter</p> <p>24 employed. They do not have a control of situation, but</p> | <p style="text-align: right;">Page 145</p> <p>1 job because they have visibility.</p> <p>2 Q When you say they have no control over this</p> <p>3 situation, did you take that to mean that they didn't</p> <p>4 have another job that they could put you into?</p> <p>5 A That's exactly, that I would take it. I would</p> <p>6 not say any mean or form to impact on this PIP because I</p> <p>7 was already told you have two weeks to find a job.</p> <p>8 Q Okay. Do you recall informing Tamil --</p> <p>9 Tamil --</p> <p>10 A Tamil.</p> <p>11 Q Do you remember informing Tamil of your PIP?</p> <p>12 A Yes.</p> <p>13 Q Why did you do that?</p> <p>14 A Since he is a resource manager at that point --</p> <p>15 at one point he was my direct manager when I started at</p> <p>16 HCL in 2015, now, his title was changed. He was a onsite</p> <p>17 in Baxter, he was the resource manager. So what happened</p> <p>18 when the resource manager knows all the job openings are</p> <p>19 there, so I wanted to inform him that I have been placed</p> <p>20 on this PIP and being a resource manager, I would like</p> <p>21 you to know it.</p> <p>22 I was not sure that Michael Belmont</p> <p>23 communicated with him or HR -- Lynn Elliot spoke with</p> <p>24 resource manager, but my job was to inform that, hey,</p> |

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1 I've been on PIP, and as a resource manager, I want to
 2 inform you, as a FYI.
 3 Q Did you hope that Tamil would find you another
 4 job?
 5 A I was definitely looking that he will give me
 6 any type of response, but I did not get any response from
 7 him. I send him an email --
 8 Q So when you say any type of response, were you
 9 helping that he would intervene on your behalf with
 10 respect to the PIP?
 11 A Not on the PIP. Finding another job.
 12 Q Okay.
 13 A PIP was already established.
 14 Q They're not numbered so that doesn't help. I'm
 15 looking for the email where he forwarded it to Tamil. In
 16 my book it's Tab 26, but I don't know if that helps. I
 17 think we are going to have to wait for an exhibit. Give
 18 me one second.
 19 A Sure. No problem.
 20 Q Let me see if we can come to some ground and
 21 we'll come back to that.
 22 Did you ever ask to work remotely?
 23 A No.
 24 Q Did you ever ask to travel to India and work

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1 from there?
 2 A No.
 3 Q How much more personal time off did Kunal
 4 Patel, get than you did? K-U-N-A-L, P-A-T-E-L. I don't
 5 know if I pronounced it right. Kunal.
 6 A I was not sure he was a HCL employee or a
 7 contractor so I will not know how much time, but he was
 8 not on site. That's all -- just like I mentioned
 9 previously, I do not know what his job function was and
 10 hardly he would come in remotely or physically in the
 11 meeting.
 12 Q Okay. So you don't know how much PTO he got?
 13 A Yes, I will not know how much PTO he has
 14 entitled to it.
 15 Q Aayushi -- Let me just say Yushi. Aayushi. In
 16 what way was she treated extra lenient?
 17 A Flexibility for her. If she wants to come
 18 physically, she will be allowed. If she want to work
 19 remotely, she will. So she will be just like I say
 20 60/40, sometimes she would be inside, sometimes she will
 21 be remotely.
 22 Q How was that extra lenient compared to you, for
 23 example?
 24 A Is it flexibility, giving her flexibility work

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1 hours, like there's no set time you have to be in like a
 2 9:00 o'clock you have to be in and leave at 5:00 o'clock,
 3 that was not the case. So that's the flexibility I would
 4 say was given to her.
 5 Q So it was the time of day she came and went,
 6 not the fact she was remote?
 7 A Both.
 8 Q Both.
 9 A Yes.
 10 Q But you never asked to work remote, correct?
 11 A It was not allowed to work remote because, as
 12 per Prakash Chapain, that client want us to be on
 13 premises on there every day at. Certain time, come in,
 14 and certain time, leave.
 15 Q Okay. But you never asked to work remote?
 16 A No. I did not ask it that I want to work
 17 remotely.
 18 Q And did you ever ask to come in at different
 19 times and leave at different times?
 20 A No, because it was announced in the meeting
 21 that everybody has to start at -- between 9:00 or 9:30,
 22 whatever the time was and leave after 8 hours.
 23 Q Okay. Do you know why Aayushi was allowed to
 24 work remotely?

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1 A No idea.
 2 Q Do you know why she was allowed different
 3 hours?
 4 A No idea.
 5 Q Do you know why Kunal Patel was allowed to work
 6 remotely?
 7 A No idea.
 8 Q Did anyone criticize Aayushi's work, either the
 9 quantity or the quality?
 10 A The people who was working with her in the team
 11 on the same thing they complain it is hard -- difficult
 12 to work with her.
 13 Q Who said it was difficult to work with her?
 14 A Mohammed Ahmed.
 15 Q Mohammed complained about her?
 16 A Mohammed complain and Heather Lewis both
 17 complained.
 18 Q In what way did they say it was hard to work
 19 with her?
 20 A That she's too difficult, her way or no way.
 21 Q Too difficult?
 22 A Too difficult to work with her.
 23 Q Difficult how?
 24 A Either you accept her, what she wants it, or

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1 either -- either -- you have no say-so. And difficult,
 2 do not accept other's import or ideas.
 3 Q Did you -- did the team -- did the redlining
 4 teamwork on the same labels with each other?
 5 A For example, one label may be three of them, if
 6 they assign it. Is not -- is not a label label changing,
 7 it is a documentation redlining. Sometime they will
 8 assign to redline one product family. If has so many
 9 product, then maybe will you split within two or three
 10 colleague. The family has very little -- less product,
 11 it will be managed by one person, is again --
 12 Q Let me try it this way. Other than the peer
 13 review process that we've discussed, would more than one
 14 person be assigned the same document to redline?
 15 A Same product family, different documents.
 16 Q So everybody is working on different documents?
 17 A Different documents, same product family.
 18 Q Did anyone from Baxter -- not HCL employees
 19 implanted at Baxter, but employees of Baxter, Cheryl
 20 Bork, Chellson, somebody else on the regulatory affairs
 21 team, are you aware of any of them complaining about
 22 Aayushi's work, either the quantity or the quality?
 23 A I did not hear, and I do not have a visibility
 24 on this one.

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1 Q Same question as to Kunal Patel.
 2 A I do not have visibility.
 3 Q Is that true of all your other redlining piers?
 4 A What do you mean by true?
 5 Q The fact that you don't have visibility into
 6 any criticisms of the quality or quality of their work
 7 from a Baxter employee?
 8 A No, unless someone bring voluntarily
 9 information.
 10 Q And do you know of any example where that
 11 happened?
 12 A From client to us, from client to, I did not
 13 hear anything, no.
 14 Q As to any of your red lining colleagues?
 15 A Anyone no, from client.
 16 Q And to your knowledge, Cheryl Bork didn't
 17 direct that any of your colleagues be removed from her
 18 team, correct?
 19 A No, not in my knowledge.
 20 Q You said that Mr. Chapain was promoted every
 21 year. Is that your recollection?
 22 A That's what I heard -- that's what I overheard
 23 with people, he get promoted every year within
 24 organization.

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1 Q Why was he promoted?
 2 A No idea.
 3 Q Chitti, is that the way you pronounce it?
 4 A Chitti.
 5 Q Chitti. Chitti. You say that Chitti was
 6 allowed to transfer multiple times, is that your
 7 recollection?
 8 A Yes, correct.
 9 Q And what transfers was she -- is it she?
 10 A He.
 11 Q He. What transfers was he allowed to have?
 12 A He was on the labeling team and he was moved to
 13 another team, so I do not know the background and
 14 history. That's something HCL can fill in what was the
 15 reason he was removed from the labeling team, but then he
 16 was able to assign another work stream.
 17 Q Do you know if he was removed or if he asked
 18 for a transfer?
 19 A When I overheard it that he was kind of forced
 20 to move from that -- that -- that role, but HCL was able
 21 to accommodate him for another work stream.
 22 Q And do you know -- did the rumor mill tell you
 23 why he was forced out of that role?
 24 A No, I would not know the content.

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1 Q And was that the only transfer you're aware of
 2 for Chitti?
 3 A That's the Chitti -- since I knew him, maybe
 4 this thing is happening with the organization HCL for the
 5 non-U.S. employee. I was just not aware of particular
 6 case just like I know regarding Chitti Babu.
 7 Q You said that -- in your answer in front of
 8 you -- I don't have the page again -- but you said that
 9 Chitti was allowed multiple transfers.
 10 Do you know of more than one?
 11 A Yes. He was forced in FDA side on work stream,
 12 then he went to EU DR, and then he went to some other
 13 work stream. So while I was there he was from work
 14 stream to another work stream to another work stream. He
 15 moved multiple times. He was able to allow from one work
 16 stream to another work stream.
 17 Q And you also moved from one work stream to
 18 another stream several times while at HCL, correct?
 19 A I was moved because that assignment either has
 20 been completed or they open a new assignment. So mine
 21 was continuation on the same project. From FDA role
 22 completion, now that European started, I roll over to the
 23 European side. So mine was continuation. Only the work
 24 stream change for me when I went to the labeling team.

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1 So my job was under the same program manager. Jeff
 2 Birmingham, he was managing all this program. So I move
 3 from --
 4 Q So you were always under the same --
 5 A Umbrella.
 6 Q -- project, big project?
 7 A Bigger project, yes.
 8 Q And you're saying that Chitti moved from one
 9 project to a different project?
 10 A A different work stream.
 11 Q And how is that important?
 12 A I don't know. It was important to me he was
 13 able -- he was got accommodated for some reason, where
 14 they could accommodate me also. That's why I would say
 15 is it related to me when if -- one project does not have
 16 things for me, why did it not move me to another project?
 17 HCL has so many project on site.
 18 Q You indicate that Chitti was promoted on I
 19 don't know -- once or more than once. Are you aware of
 20 that?
 21 A Maybe I mention it, but he was first a lead --
 22 a lead tech, and then he became project manager. He was
 23 a lead -- I think he was a lead something, and then from
 24 there it started to change to project manager.

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1 Q So if you look at the answer to interrogatory
 2 number 6, you'll see Chitti Babu Undra referenced towards
 3 the end of your answer.
 4 A Let me -- number 6. Okay. Yes.
 5 Q It indicates here he was promoted on multiple
 6 occasions. I'm trying to identify the multiple
 7 occasions.
 8 A Maybe the start -- first is there are different
 9 level of relief tech, he was promoted there, and then at
 10 the end, when I was let go from position, he was a
 11 project manager at that time. So definitely he got
 12 promotion.
 13 Q Multiple promotions?
 14 A Multiple promotions.
 15 Q And do you know why he got those promotions?
 16 A No idea.
 17 Q Do you think he didn't deserve them?
 18 A I have no idea.
 19 Q Okay. Let's come back to this one. We'll mark
 20 this as Exhibit 2.
 21 Richard, we're looking at production number 366
 22 to 67. The top email in the chain is from Aftab Khan to
 23 Tamil on March 12th.
 24 (Exhibit 2 marked as requested)

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1 MR. GONZALEZ: Okay.
 2 MR. LIDBURY: Q You can look at it as long as you
 3 like, just -- I'm going to start with do you recognize
 4 it.
 5 A Yes, I do recognize.
 6 Q What is it?
 7 A It is a communication from when the PIP was
 8 created -- was created to me and send it from Michael
 9 Belmont communication that Aftab Khan already signed
 10 performance improvement plan, PIP, and then I signed it.
 11 And that is -- I believe he attached it, but that's what
 12 he says, he is communicating with HR after it has been
 13 placed on performance improvement plan, and he signed it.
 14 And then he says for next four week, we're
 15 going to be evaluating him for our performance
 16 improvement plan. That is the communication he
 17 communicated. For that one I actually -- I don't know if
 18 it was the same email or it was cut and pasted it, but
 19 what I said for disregarding PIP I try to reach out to
 20 Mr. Prakash Chapain multiple times, he's not responding
 21 to me, and I wanted to know what is expectations there.
 22 Then, finally, I was able to get him hold, and
 23 I believe in the hallway and -- walking to cafeteria, I
 24 do not recall it, and I ask him, and he says: Clearly,

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1 consider yourself out from HCL Baxter International. You
 2 are not going to make it. Performance improvement plan,
 3 PIP, is just a stage show.
 4 So at that point when I saw that one, I
 5 couldn't believe he mentioned it, and he was very mad and
 6 angry. He says, why I am in the middle of this
 7 performance improvement? It should not be me, it should
 8 be someone else. And -- then -- he was getting angry on
 9 me for no reason, and I communicated to the higher chain,
 10 Mr. Mike. I said, Mike, that's what has been
 11 communicated. Since it was communicated and approached
 12 me this one, at that point I needed to get local resource
 13 manager involved there that PIP has been created, I have
 14 been reaching out to the person who has to administer or
 15 manage this PIP for next four week, and that person is
 16 not cooperative. I communicated in my direct manager,
 17 Mike, but I need to keep you in the loop, and that's how
 18 I communicated to Tamil.
 19 Q And why did you feel it necessary to
 20 communicate this to Tamil?
 21 A Because I'm not sure, I do not have a
 22 visibility that Lynn Elliot, HR, or Mike Belmont as a
 23 project manager is already communicated. Since Tamil is
 24 managing so many project, since this project has a issue

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| <p style="text-align: right;">Page 158</p> <p>1 on my side coming this one, issue on my side is PIP has 2 been created, I wanted to do my due diligence, and I 3 wanted to inform him that hey, I want you to be aware of 4 them, there's a PIP has been created. 5 Maybe the communication already been done by HR 6 with -- privately offline with Tamil, maybe Mike Belmont 7 already communicated with Tamil, but me as an employee, 8 HCL, my job was to communicate, let Tamil know this is 9 the situation going on. 10 Q Were you hoping Tamil was going to help you 11 find you another role, or were you hoping he was going to 12 intervene on your behalf with respect to the PIP and your 13 conversation with Prakash? 14 A I wanted to loop in him in this whole 15 conversation. 16 Q So you had no purpose in your head other than 17 simply you wanted to loop him in? 18 A Loop in him as a resource manager that he will 19 be well aware of the issue. 20 Q And you expected nothing from him? 21 A He has a much -- much more visibility and 22 control on HCL all project than me working on one 23 project, so I wanted him to be looped in. 24 Q To do anything in particular?</p> | <p style="text-align: right;">Page 160</p> <p>1 Q Let me ask questions, otherwise, we'll never 2 get done. 3 A Sure. 4 Q You complain that he was allowed to prioritize 5 his previous team, correct? 6 A Yes. 7 Q How is that any of your business? 8 A He would come and he would share some 9 information with us, and later on, if I will follow up, 10 hey, we need to connect it on the point you brought it 11 up, and he say, oh, you know what, I'm working still with 12 my old team. I need to take care of that one before I 13 will get back to you guys. And then he brought it up, 14 and at that point I knew he was a share source. 15 Q Share source or shared source? 16 A Shared resource. 17 Q Shared resource. So he had two jobs? 18 A At that point when we brought it up to the 19 management that he would come, say something, then he 20 would disappear. And he would say, I'm working with -- 21 he would not say that he's a shared resource until we 22 brought it up that -- that he is -- he's come and he go 23 back. And he says oh, I have to help my old team. 24 That's all -- he would not say.</p> |
| <p style="text-align: right;">Page 159</p> <p>1 A I didn't know it at this point, but how the PIP 2 is going to go and what the direction is going to go. I 3 just wanted to at that day, I wanted him to aware, to 4 make him aware. 5 Q Okay. Krutal Patel -- have we done that one 6 before -- K-R-U-T-A-L, P-A-T-E-L, you indicate in your 7 interrogatory answers, Exhibit 1, in front of you, that 8 he was allowed to prioritize his old team, is that 9 correct? 10 A Yeah. He was a shared resource, if I'm 11 looking -- Which exactly which question, sir, you are 12 looking at? 13 Q Your answer to the third interrogatory. It's 14 the last paragraph of your answer right before the fourth 15 question. 16 A If you are looking third, I'm talking about 17 Kunai Patel. That's after that -- 18 Q Did I put an R in there? 19 A If third and last paragraph I'm looking -- 20 Q K-R-U-T-A-L Patel, right, last paragraph of the 21 answer to the third interrogatory. 22 A Right. So let me look right here. Yes, I got 23 it right now. Last one. I was looking second paragraph. 24 Yes, he would show up --</p> | <p style="text-align: right;">Page 161</p> <p>1 Q So let me ask a question, again, so we can get 2 done. 3 Why does it -- why is it your problem that the 4 company has decided to make him a shared resource? 5 A When I needed to ask more question about what 6 he say something about any point, he was not available to 7 me. 8 Q Okay. That's not really your decision to make, 9 is it? 10 A No, but I did not know that he was a shared 11 resource. 12 Q Did you ever want to be a shared resource? 13 A No. I never ask it and I never thought about 14 it. But if they would have asked me might, I would 15 consider. 16 Q But you had no -- no complaint that you weren't 17 allowed to prioritize some other team over this team, 18 right? 19 A No. I never work with another -- one time -- a 20 time I was working at one team, I never came in that 21 experience. 22 Q Okay. So the company decided that he would 23 dedicate some of his time to his old team and some of his 24 time to this team, and that's really none of your</p> |

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| <p style="text-align: right;">Page 162</p> <p>1 concern, right?</p> <p>2 A Is it HCL and the client to see, but when if</p> <p>3 somebody is not responding me, might I have to bring up,</p> <p>4 hey, you know what, I'm waiting on Krutal Patel response</p> <p>5 on this one.</p> <p>6 Q Do you feel like you were treated less</p> <p>7 favorably than Krutal Patel because he was allowed to be</p> <p>8 a shared resource?</p> <p>9 A Absolutely.</p> <p>10 Q Really? So you wanted to be a shared resource?</p> <p>11 A I do not want to be a shared resource, but it</p> <p>12 clearly was a favoritism he would do it whenever he's</p> <p>13 ready to communicate with us. So he was like, hey, you</p> <p>14 know what, I won't meet you today. I will meet you two</p> <p>15 days later. He could say that one and nobody will do</p> <p>16 anything. I'm not saying it, but -- at that time I was</p> <p>17 looking at it it was a favoritism to him.</p> <p>18 Q You think it's favoritism that they had him on</p> <p>19 two jobs instead of one?</p> <p>20 A I could not say it is favoritism or not, but it</p> <p>21 was -- it was -- he was getting a -- a special treatment</p> <p>22 maybe being on two jobs.</p> <p>23 Q And that was a benefit to him in some way that</p> <p>24 you didn't get to experience?</p> | <p style="text-align: right;">Page 164</p> <p>1 be getting this information this way, like little minor</p> <p>2 things that we did, so that will be not only -- not I'm</p> <p>3 talking about only the redlining team. As a whole HCL,</p> <p>4 the people who are on working visa, they would have their</p> <p>5 separate meeting which would be not including the people</p> <p>6 are from U.S., and I think that was less -- make me less</p> <p>7 favorite.</p> <p>8 Q Okay. Give me a specific example of a U.S.</p> <p>9 citizen that was excluded from a decision-making meeting</p> <p>10 that H-1Bs were invited to?</p> <p>11 A They would have a regular meeting. I don't</p> <p>12 know what has been discussed on those meeting, but they</p> <p>13 would have a separate regular meeting which U.S. citizen</p> <p>14 or permanent employee -- that U.S. employee were not</p> <p>15 being included.</p> <p>16 Q So I'm going to leave the redlining group aside</p> <p>17 for a second because you made a comment about the big</p> <p>18 company, outside of the red lining group, you said, that</p> <p>19 that's what the company is always doing. How do you know</p> <p>20 that?</p> <p>21 A Because later on I will know it we had a</p> <p>22 meeting at 4:00 o'clock today. Every Friday, for</p> <p>23 example, they would have a meeting 3:00 or 4:00</p> <p>24 o'clock --</p> |
| <p style="text-align: right;">Page 163</p> <p>1 A And I never thought about it. I never got</p> <p>2 experienced, that's correct, and -- at being at HCL, and</p> <p>3 I never thought about that one, that I want to be a</p> <p>4 shared resource.</p> <p>5 Q What decision-making situations were you</p> <p>6 excluded from?</p> <p>7 A Management and when HCL would have only for</p> <p>8 their H-1 -- if I understand your question correctly, the</p> <p>9 meetings which is people are from in HCL working Visa the</p> <p>10 decision were maybe made at management at there, and then</p> <p>11 it will trickle effect. So I would say I got excluded in</p> <p>12 many meetings which maybe I should be included in that.</p> <p>13 Q So you're saying that your peers in the</p> <p>14 redlining group were invited to meetings where decisions</p> <p>15 were being made that you were not invited to?</p> <p>16 A I would say yes.</p> <p>17 Q You would say it or that happened?</p> <p>18 A Yes, I would -- yes, I agree with that one.</p> <p>19 they were being called and I was not.</p> <p>20 Q What decisions did they make without your</p> <p>21 input?</p> <p>22 A That -- the management, we going to do the work</p> <p>23 this way, this is the approach now, going forward we're</p> <p>24 going to approach this thing this way. Now you going to</p> | <p style="text-align: right;">Page 165</p> <p>1 Q Let me stop you because I think you're talking</p> <p>2 about the redline group, right?</p> <p>3 A We are talking about redline.</p> <p>4 Q I'm not talking about the redline group. I'm</p> <p>5 asking you about the company -- the big company outside</p> <p>6 the redlining group, you said that was a systematic</p> <p>7 approach, that the Americans were kept out of</p> <p>8 decision-making meetings. How do you know that?</p> <p>9 A Later on somebody would say, we had a meeting.</p> <p>10 Q In the redlining group?</p> <p>11 A No. Anyone, general people.</p> <p>12 Q Who? Who said it?</p> <p>13 A I do not recall who is exact person is, but the</p> <p>14 other team member who were working on different project,</p> <p>15 because, again, redlining is just the one project. They</p> <p>16 have multiple project.</p> <p>17 Q So how do you know who was and wasn't invited</p> <p>18 to the meetings that you weren't even in?</p> <p>19 A I was not in because then I would check with</p> <p>20 like, for example, Donna Baird, I will check. Heather</p> <p>21 Lewis I would check, hey --</p> <p>22 Q They're in the redlining group, right?</p> <p>23 A That's red lining group.</p> <p>24 Q I'm talking about outside the redlining group</p> |

42 (Pages 162 - 165)

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| <p style="text-align: right;">Page 166</p> <p>1 for now. I am going to come back to the redlining group. 2 Outside of the redlining group how do you have any idea 3 who was invited to what meetings for what decisions? 4 A 4:00 o'clock, for example, every Friday -- or 5 3:00 o'clock they had -- 6 Q Who is they? 7 A They as a whole HCL would have a meeting. I 8 don't know what was about that, what was the decision 9 about making, but we were have never been included. 10 Q Who did go? 11 A HCL management. 12 Q And how do you know which of them are H1-B and 13 which of them are citizens? 14 A Because I was not invited in that one. 15 Q You weren't management? 16 A No, it was not management. As a whole, they 17 were treated HCL H1 visa have a separate meeting than the 18 people who are U.S. citizen. They would have a -- maybe 19 separate meeting, maybe not having a meeting. So they 20 are more -- they have more information with H1 L1 visa 21 people employed than us. 22 Q Outside of the redlining group which you might 23 know something about, how do you know who had meetings 24 with or without American citizens?</p> | <p style="text-align: right;">Page 168</p> <p>1 a team meetings. 2 Q So you don't know what those meetings were 3 about or whether there were any Americans in them? 4 A Yes, I would not know it -- for sure, they were 5 not, but I will definitely say they would have it ongoing 6 their separate meetings. 7 Q Who is they? 8 A They are HCL management as umbrella, bigger 9 umbrella. 10 Q And you don't know which of them are Americans 11 and which one are H1-Bs? 12 A Yes. 13 Q Okay. 14 A Take a break. 15 Q We are running out of time, guys. It's 4:00 16 o'clock. I was expecting to be done before lunch. How 17 late are you willing to go because I've still got 18 territory to tread here. 19 A Let's do five minutes. 20 MR. LIDBURY: How late do you guys want to go, 21 Richard? How late do you want to go tonight because we 22 are going to have to reconvene? This is taking way 23 longer than I expected. 24 MR. GONZALEZ: Well, I haven't checked with the</p> |
| <p style="text-align: right;">Page 167</p> <p>1 A That's what this is. This is only HCL H1 L1 2 visa meeting. 3 Q They would specifically announce a meeting for 4 only H1-B people? 5 A They were not invited. We were just -- 6 Q What was the subject of that meeting? 7 A I don't know. 8 Q Mate it have something to do with H1-B? 9 A I have no idea. 10 Q You don't, do you? 11 A Yeah. 12 Q Okay. In the redlining group, was there ever a 13 meeting of just the H1-B people and Americans were 14 excluded by reference, no Americans invited? 15 A I will not know exact specific on that one, but 16 there were meetings of only the H1 L1-B visa people will 17 be in the meeting. 18 Q Who are the Americans on the redlining team? 19 A I'm not sure exactly sure who will be the 20 redlining, but I heard few time Donna Baird say oh, I, 21 was not -- Donna Baird said oh, I was not in that 22 meeting. Few time I heard Heather Lewis said, oh, I was 23 not on those meetings. That's all I know it. There are 24 set of meetings are going on other than what we all have</p> | <p style="text-align: right;">Page 169</p> <p>1 reporter on time. Seven hours is seven hours. 2 THE WITNESS: Do you want to take us off the record? 3 MR. LIDBURY: We can take off the record. 4 THE COURT: This is media 4. We're going off the 5 record. The time is 3:56 p.m. 6 (Off the record) 7 THE VIDEOGRAPHER: This is the start of media 5. We 8 are going on the record. The time is 4:07 p.m. 9 MR. LIDBURY: Q I've put in front of you what has 10 been marked as Exhibit 3. 11 (Exhibit 3 marked as requested) 12 MR. LIDBURY: For Richard's benefits this is a 2015 13 best supporting entourage award. 14 Q Do you recognize this document? 15 A Yes, I do. 16 Q What is it? 17 A This is a appreciation certification from the 18 customer. 19 Q Who is Maria? 20 A She was Baxter project manager. 21 Q And I take it she's the one awarding here? 22 A Yes. 23 Q Okay. And who is the entourage? 24 A I think over our entire team.</p> |

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| <p style="text-align: right;">Page 170</p> <p>1 Q The entire team?</p> <p>2 A Yes.</p> <p>3 Q How many people were on that team?</p> <p>4 A At that time we were supporting FDA regulation,</p> <p>5 so I will not recall how many people were there, but -- I</p> <p>6 just do not know how many people.</p> <p>7 Q Can you ballpark it?</p> <p>8 A It's offshore people and also onshore. I would</p> <p>9 say between 7 to 10 people.</p> <p>10 Q Okay. I'm going to hand you what's been marked</p> <p>11 as Exhibit 4.</p> <p>12 (Exhibit 4 marked as requested)</p> <p>13 MR. LIDBURY: For Richard's benefit this is Bates</p> <p>14 No. 363. It's an October 6th, 2016 Baxter headed -- I</p> <p>15 guess memo saying we want to thank you for your support</p> <p>16 and hard work, blah, blah. I think you've got one. I</p> <p>17 think you know which one that is.</p> <p>18 MR. GONZALEZ: Okay.</p> <p>19 MR. LIDBURY: Q Do you recognize this document?</p> <p>20 A Yes, I do.</p> <p>21 Q Okay. What is this?</p> <p>22 A This is another project manager which was</p> <p>23 managing the FDA regulation, basically populating on FDA</p> <p>24 website. Gary and Ed Young, they was the client. They</p> | <p style="text-align: right;">Page 172</p> <p>1 Exhibit 5. It is Bates No. HCL 823. And this is for</p> <p>2 Richard's benefit. It's a February 6th, 2020 email from</p> <p>3 Prakash Chapain to Mike Belmont is the top email.</p> <p>4 MR. GONZALEZ: Okay.</p> <p>5 MR. LIDBURY: Q Do you -- When you finished</p> <p>6 looking at it, let me know if you've seen this before.</p> <p>7 A Yes. I seen it only -- I was not involved in</p> <p>8 Kunal Patel's email, but when Prakash forwarded me, then</p> <p>9 I know what Kunal email. But yes, I recognize it.</p> <p>10 Q Okay. In this email Mr. Patel is listing</p> <p>11 things that he's had to support you on, correct?</p> <p>12 A He listed these thing, but for some reason I'm</p> <p>13 not on the email.</p> <p>14 Q Do you disagree that he did these things to</p> <p>15 support you?</p> <p>16 A Yes, I do.</p> <p>17 Q So he's lying?</p> <p>18 A I would say yes.</p> <p>19 Q Yes, you would say it or yes?</p> <p>20 A I would say yes. I would say yes.</p> <p>21 Q Why would he lie?</p> <p>22 A Part of the stage show just like Prakash</p> <p>23 mentioned in PIP -- before PIP started that is a stage</p> <p>24 show. So maybe this is a February, 2020 and March I was</p> |
| <p style="text-align: right;">Page 171</p> <p>1 are the one send to entire team for appreciation that</p> <p>2 thank you for your hard work.</p> <p>3 Q Okay. And which team is this?</p> <p>4 A This is -- at that point I was in -- this was</p> <p>5 the team updating FDA documents for FDA populating</p> <p>6 information on the website, and my role was at that time</p> <p>7 quality engineer role, approving change control.</p> <p>8 Q How many people were on this team?</p> <p>9 A I do not recall how many exact number.</p> <p>10 Q Ballpark.</p> <p>11 A But across between regulatory, everything, I</p> <p>12 would say 30 plus.</p> <p>13 Q Okay. It's true that Baxter issues kind of</p> <p>14 thank yous and awards regularly to team members, correct?</p> <p>15 A Correct, yes.</p> <p>16 Q I see the two that we've just covered. Do you</p> <p>17 have any others?</p> <p>18 A Maybe Susan Trost send me some thank you email,</p> <p>19 but I just do not have a copy or I do not have a record</p> <p>20 of that one. But yes, Susan Trost used to stop by and</p> <p>21 tell me thank you for doing this hard work.</p> <p>22 Q I'm going to mark this one as Exhibit 5.</p> <p>23 (Exhibit 5 marked as requested)</p> <p>24 Q You have in front of you what's been marked as</p> | <p style="text-align: right;">Page 173</p> <p>1 put on -- place on PIP. Maybe that was part of the play.</p> <p>2 Q Kunal is -- why can't I pronounce this. Kunal</p> <p>3 Patel is in on the fix here?</p> <p>4 A Yes.</p> <p>5 Q Okay. He's out to get you?</p> <p>6 A Yes.</p> <p>7 Q Did you have any problem with Mr. Patel that</p> <p>8 you're aware of?</p> <p>9 A No, not I'm aware of that.</p> <p>10 Q Are you aware of him disliking you for any</p> <p>11 reason?</p> <p>12 A Not professionally I did not see any comment</p> <p>13 from him.</p> <p>14 Q What about personally?</p> <p>15 A Just like I say, Kunal is the person in team</p> <p>16 and Shraddha, I hardly interacted with them. So I do not</p> <p>17 know their job function and responsibility, but as far I</p> <p>18 recall, no.</p> <p>19 Q Do you know of any reason why Mr. Patel would</p> <p>20 have a bias against Americans?</p> <p>21 A No, I would not know.</p> <p>22 Q Do you know any reason why Mr. Patel would have</p> <p>23 a bias against people who were older?</p> <p>24 A No, I would not know.</p> |

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1 Q So do you have any idea why he would join in a
2 conspiracy to take you down?
3 A No.
4 Q Okay. You had a car accident -- I can bring up
5 exhibits if we need them, but we probably don't. You had
6 a car accident in like -- what was it March --
7 A It was in February. Middle of February.
8 Q February. Do you feel like you were mistreated
9 with respect to your car accident and your recovery?
10 A Yes, even though -- I would say yes from
11 Prakash Chapain side. Michael Belmont, he acknowledged
12 it my accident and he says, whatever you need, time off
13 or treatment, communicate with me. Prakash did not
14 respond, so -- and he start and went in a different
15 direction. But definitely I would say Prakash Chapain
16 did not treated me better after accident. Michael
17 Belmont was okay with the treatment that I needed, yes.
18 Q Do you think your car accident in any way fed
19 into your termination?
20 A Yes.
21 Q How?
22 A I was getting to the -- just like, you know,
23 the pressure was, you know, always these things was
24 happening. I was going to work, car accident happened,

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1 and that contributed to putting me in termination because
2 they say, oh, this person is not reliable, he cannot come
3 to work, he went to injury and had a car accident. So
4 that was not -- car accident was -- did not work in my
5 favor.
6 Q I think you said two things. I want to try to
7 unpack it. Did you say that the problems you were having
8 at work kind of caused the car accident because of the
9 stress you were under?
10 A Possible. I was rushing to get to work on time
11 because there was a schedule to be on time at work.
12 Maybe that could be the reason.
13 Q And were you -- Were you already aware of some
14 performance complaints about your work --
15 A No.
16 Q -- at that point?
17 A No, I was not. But it just being getting on
18 work on time.
19 Q Just a question of being on time. Okay.
20 A Yes.
21 Q So then after the accident, did you -- is it
22 your argument that either Prakash Chapain or Mike Belmont
23 retaliated against you for being injured?
24 A Michael Belmont, no. Prakash Chapain, yes.

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1 Q And because you were injured he retaliated
2 against you?
3 A Yes.
4 Q Okay. How do you come to that conclusion?
5 A Because he says, oh, we need to have the people
6 doing work here, and I don't know how much your treatment
7 and just -- if you have to go to therapy, I don't know
8 how long is going to take it.
9 Q Why was he having that conversation with you?
10 A Just general saying, you know, how long is
11 going to take it? I said it depend on the doctor. He
12 asked me directly that when he stopped by when I came
13 back next day to work. He said, what happened. And I
14 explained him, this is happened, and now might I have to
15 go for further testing. And then he said, but we need
16 people here. That's what it kind of gave me conclusion.
17 Q And did he -- did he ask you how long your
18 recovery was going to take or what time off you would
19 need?
20 A No, he did not get into specific.
21 Q Did he deny you any time off?
22 A No. My time I requested, and then my time will
23 be get approved by either Michael Belmont, or it will get
24 approved by Cheryl Bork. So one of them will be

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1 approving my work. So he was -- I needed to inform him
2 that, hey, I won't be here at work today, for example,
3 but he was not my -- approving or disapproving my work.
4 Q What were your injuries from the car accident?
5 A I had a neck injury on the back, and when I did
6 -- and then the doctor says my car got totaled at that
7 time, and my doctor kept me three, four hour in emergency
8 room, and done some scan and X-rays. And he gave me some
9 painkiller, and he says, after 3 days you need to go to
10 your primary physician and I will have a report and might
11 you have to get more testing done, make sure your neck is
12 not kind of got -- not a broken, but maybe got bruised or
13 something like that. But he says after three days you
14 need to go to see your physician and then set up a
15 treatment plan what you needed.
16 Q How many days of work did you miss as a result
17 of the accident?
18 A I missed one day, and the other day I had the
19 appointment with the doctor, and I -- with Cheryl and
20 Michael Belmont I informed that this time I have a doctor
21 appointment, I won't be available.
22 Q So you missed all of one day and part of
23 another day?
24 A A part of another day I would say.

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1 Q Okay. And you think that those -- that day and
2 a half or so that you missed work, you think that was a
3 reason why you were terminated?
4 A That contributed to that.
5 Q You think so?
6 A Yes.
7 Q Okay. Did anybody say anything like that to
8 you?
9 A No. I just assume it by the comment that made
10 by Mr. Prakash Chapain.
11 Q And his comment was that --
12 A I don't know how long your treatment will go
13 on.
14 Q Tell me the entirety of that conversation that
15 you remember.
16 A I just told you the conversation.
17 Q So he walked into your office and said, I don't
18 know how long you need off to recover or something like
19 that?
20 A Right.
21 Q And that's it and he walked out?
22 A Yes. He just stopped by at my desk. First, he
23 asked, you are back, how are you feeling, and those kind
24 of things, how accident took place. And then after that

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1 detail he says, oh, I need a person who will be here
2 reliable which I can depend on that person. And then he
3 did not say anything after that to me directly.
4 Q And he walked away?
5 A Yes.
6 Q Okay. Were you asking for any particular time
7 at that point?
8 A No, I was not requesting. But my doctor -- I
9 interrupted you again. So go ahead, please.
10 Q Did you tell Mr. Chapain that you were going to
11 need some time off in that conversation?
12 A Yes. I mentioned it as part of my doctor
13 recommendation, might I need some time off.
14 Q And you didn't know how much yet, right?
15 A No. At that time.
16 Q So you couldn't tell Mr. Chapain how much time
17 you were going to need or when?
18 A Yes.
19 Q I can't remember if I covered this ground all
20 right, but it's fast, so let's do it.
21 Do you have any reason to believe that Ms. Bork
22 had a problem with your age?
23 A No, I cannot recall anything.
24 Q Do you have any reason to know or believe that

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1 Ms. Bork had a problem with your American citizenship?
2 A No, I could not recall it.
3 Q What about your ethnicity?
4 A No, I cannot say. I cannot recall any kind of
5 communication regarding that.
6 Q Let's do -- let's do this one. This is going
7 to be your PIP for Richard's benefit. We're on 6 I
8 think.
9 (Exhibit 6 marked as requested)
10 Q You have in front of you what's been marked as
11 Exhibit 6. Take a moment to review it. And my first
12 question, as always, is going to be do you recognize it?
13 A Yes, I do.
14 Q Do you recognize this as the PIP that you were
15 issued on or about March 9th of 2020?
16 A Correct.
17 Q I think I keep saying PIP all day. PIP is a
18 performance improvement plan, correct?
19 A Yes.
20 Q Okay. And did you meet with -- Well, did you
21 meet with Prakash or Mike on March 9th?
22 A Prakash Chapain I met. Michael Belmont was not
23 there. Maybe he was on the phone call while we were in
24 the room, but me and Prakash was -- were in the

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1 conference meeting room, yes.
2 Q I notice that your signature on the last -- I
3 guess the last page is dated March 10th, whereas, the PIP
4 itself is March -- dated March 9th on the first page. Do
5 you remember when you met? Was it on the 10th, or did
6 you sign after the meeting?
7 A I met with the 10th. Maybe the document was on
8 maybe the 9th, but I signed on the 10th. That's the day
9 I met.
10 Q All right. That's when you set in the room
11 with Prakash, and Mike might have been on the phone?
12 A Right.
13 Q Okay. What do you recall about that meeting?
14 A They say we're going to be placing you -- as
15 per HR we are going to be placing you performance
16 improvement plan. And I asked the background, what is
17 reasoning, and they say we need to -- we need to put you
18 on performance -- they did not give me a solid reason,
19 but they say, you know what, we need to put you on
20 performance improvement. We want to see how you do in
21 next four week, and we will meet you every week to
22 evaluate it.
23 And then we will communicate with you and tell
24 you that, hey, this is expectation, you are doing right

46 (Pages 178 - 181)

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1 or wrong. And that was the signature acknowledging that
 2 I got this document, and I signed it that one, yes.
 3 Q Was it a surprise to you that you were being
 4 put on a PIP?
 5 A Yes, very much. A big surprise for me.
 6 Q You had no idea that anybody was dissatisfied
 7 with you?
 8 A Yes, that's correct.
 9 Q Okay. There were supposed to be weekly
 10 check-ins, you were supposed to do some work and then
 11 there would be a check-in to check on the work you did,
 12 and that would happen for four weeks, correct?
 13 A Right. In between we meet also.
 14 Q Okay. You've already seen kind of a version of
 15 this, but let's do this one as 7.
 16 (Exhibit 7 marked as requested)
 17 Q Mr. Khan, I have placed in front of you what's
 18 been marked as Exhibit 7. It says that it's an email
 19 dated March -- this is for Richard's benefit, March 12,
 20 2020 from Aftab Khan to Michael Belmont.
 21 When you have had a chance to review, do you
 22 recognize this document?
 23 A Yes, I do.
 24 Q This is an email that you sent to Mike Belmont?

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1 A Correct.
 2 Q Okay. This is where you said that you had a
 3 conversation with Prakash who said: Consider yourself
 4 out from HCL Baxter international. You are not going to
 5 make it. Performance improvement plan, PIP is just a
 6 stage show.
 7 Correct?
 8 A Yes.
 9 Q That's what Prakash said to you?
 10 A Yes.
 11 Q Tell me how -- when that conversation happened,
 12 and where.
 13 A I was trying to reach out him stopping by in
 14 his office. I believe I was doing IM him, hey, you know
 15 what, tell me -- because 10th he signed it with me, then
 16 he was not communicating with me what to expect for
 17 assignment one. And he was like -- he says, hey, I'm not
 18 sure why I am in there in this PIP. In other words, he's
 19 seeing it, I being forced here to manage this PIP here,
 20 and I don't know why assigned. And, by the way, this PIP
 21 is just a stage show, consider yourself out of here.
 22 When I met -- I finally got him in the hallway,
 23 I don't know if we was walking in the cafeteria or we
 24 came across, unfortunately this communication took place

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1 or in kind of hallway, because he was not -- he was
 2 ignoring me and not responding or acknowledging my
 3 communication to him.
 4 Q So let's get the timeline down first.
 5 March 10th you have a meeting with Prakash about the PIP?
 6 A Yes.
 7 Q Where he tells you what it is and what you're
 8 supposed to do, correct?
 9 A Just about this document, not the task yet.
 10 Q Okay. Right. But that's -- but he laid out
 11 the PIP for you, what the steps were going to be?
 12 A Yes.
 13 Q You had that meeting. Exhibit 7 is dated
 14 March 12th and it says: Yesterday I tried to reach out
 15 to Prakash. So did you meet -- did you run into Prakash
 16 in the hallway on March 11th?
 17 A Yes.
 18 Q So March 11th, were you seeking him out, or did
 19 you just happen to go by him?
 20 A No. I was kind of trying to find him and meet
 21 him and see what is our task one is. And that's what
 22 this conversation took place.
 23 Q Okay. So you meet -- You meet him in a
 24 hallway?

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1 A Yes.
 2 Q Because you were kind of trying to find him and
 3 you found him in a hallway?
 4 A Yes.
 5 Q And what did you say to him? Did you initiate
 6 the conversation?
 7 A Yes. That I'm trying to reach out to you
 8 Prakash and see what is deliverable task and timetable
 9 for the task one, what is the data and time, is there --
 10 and without my -- you know, reviewing any information or
 11 considering what I'm saying, that's the comment he made
 12 it. And that's why the next day I send email to Mike
 13 Belmont and -- because I thought he's very, very angry on
 14 me for no obvious reason.
 15 Q Okay. Let's focus first on what you recall.
 16 You found Prakash in a hallway and said you wanted to
 17 hear about what you have to do for the first step of the
 18 PIP, correct?
 19 A Yes.
 20 Q What was the first thing he said to you in
 21 response?
 22 A He says I did not review, I did not look
 23 anything. Why you are even after this PIP, the way I --
 24 I write it down. Without reviewing and verifying any

| | |
|---|--|
| <p style="text-align: right;">Page 186</p> <p>1 information with me, that what I'm asking I receive 2 feedback from Prakash the following day. So receive 3 feedback mean he response back to me that, hey, you know 4 what, consider yourself out from HCL. 5 Q This is in an oral conversation in a hallway? 6 A Yes. 7 Q On March 11th. 8 A Yes. 9 Q So the first thing out of Prakash's mouth when 10 you said, hey, what am I supposed to do for step one, was 11 the quote that you have here, consider yourself out, 12 stage show? 13 Out loud, please. 14 A Yes. 15 Q And that's the only words he uttered to you? 16 A Yes. 17 Q And what did you do? 18 A I was shocked. 19 Q Did you say anything back? 20 A All I said -- he says, consider -- why are you 21 hustling? That's what he kind of saying, that nothing is 22 going to happen, consider yourself outside. And when he 23 said to me -- and he was very angry, and I could not even 24 recollect myself, what he is -- why he was mad on me for</p> | <p style="text-align: right;">Page 188</p> <p>1 A I was right there, but when he walked away, 2 then of course I have to walk away. That means he end 3 the conversation. He ended the conversation, not me. 4 Q Okay. So that was the entirety of the 5 conversation that you recall? 6 A Yes. 7 Q Okay. Your email says that Prakash also said 8 that he should not be assigned as a supervisor for this 9 performance improvement plan. Do you recall that? 10 A Yes. Because he says why I'm in the middle of 11 this thing, why I should not be assigning to this one. 12 Q And did you -- and did he explain why he said 13 that? 14 A He did not. He did not give the reason. He 15 says, I should not be assigned to our local manning, to 16 this PIP process, performance improvement process -- he 17 should not be assigning to look over this performance 18 improvement plan. 19 Q Did he mention in this conversation on 20 March 11th that Cheryl Bork had directed that you be 21 removed from the team? 22 A No, he did not. 23 Q Did you ever get an assignment for the step one 24 of the PIP, an actual project to complete?</p> |
| <p style="text-align: right;">Page 187</p> <p>1 obvious reasons. So I did not say anything. I just got 2 quiet. 3 Q So the entire conversation was you asking about 4 step one of the PIP and him saying, don't bother, you're 5 not going to make it, it's a stage show? 6 A Yes. 7 Q And you didn't say anything in response to 8 that, and you walked away? 9 A No. I said it -- you know what, according to 10 that -- you know, this PIP has been created, I have to 11 ask him, but then at that point, he was so mad at me, I 12 walked away. I kind of walk away from him. 13 Q I need to get to what -- what was said, not 14 your characterization of who was mad or not mad. What -- 15 did the conversation end after he said it's a stage show? 16 A He took his food and went on his desk, and I 17 went to cafeteria. We cross in the hallway. 18 Q And the conversation ended when he said it's a 19 stage show? 20 A Yes. 21 Q And he walked away? 22 A No, I did not walk away. He walked away. 23 Q Well, did you stay in the hallway and stand 24 there?</p> | <p style="text-align: right;">Page 189</p> <p>1 A I think he send me through email -- he did 2 never sat down in the room and talk. Everything from 3 that point on took through either email, and he maybe 4 send me a document. I do not recall it. 5 Q You did receive instructions on what to do? 6 A For task one, yes, I did. I do not recall the 7 specifics of it, but yes, I did. 8 Q You said we're on 8? 9 (Exhibit 8 marked as requested) 10 Q Okay. We've placed before you what's been 11 marked as Exhibit 8. It is an email from Prakash Chapain 12 dated March 18th, 2020, at least the top one is for 13 Richard's benefit, HCL 827. 14 Do you recognize this document? 15 A This email, yes. 16 Q Okay. There's -- below in line comments 17 Prakash says to you, see my below in line comments. 18 Correct? 19 A On March 18, yes. 20 Q The email below the top one is also March 18th, 21 and it's got a list of things -- questions that you've 22 asked about the step one process of the PIP and answers 23 that Prakash has provided to you, correct? 24 A Yes, he provided this information.</p> |

| | |
|--|---|
| <p style="text-align: right;">Page 190</p> <p>1 Q Okay. And did you understand his answers?</p> <p>2 A Right. But I do not recall this as a complete</p> <p>3 -- I'm not challenging anything. This is a part of the</p> <p>4 communication. I think this communication was ongoing</p> <p>5 for a while. This is just a one piece of the email</p> <p>6 communication being shown March 18th. There should be a</p> <p>7 more communication back and forth on this task.</p> <p>8 Q I'm not sure I have those. Maybe I do, but</p> <p>9 didn't get extra copies made. Let me see here.</p> <p>10 This is the only one I have. So I hear you're</p> <p>11 saying there were probably more communications about it.</p> <p>12 A Right.</p> <p>13 Q Did you understand the answers that Mr. Prakash</p> <p>14 -- Mr. Chapain provided in Exhibit 8?</p> <p>15 A Yes. I was asking if he was crossing out my</p> <p>16 question and putting in his detail. Then from this blue</p> <p>17 line, there was a more response, I would like to see that</p> <p>18 one.</p> <p>19 Q You're saying that the -- the blue lining that</p> <p>20 I'm seeing in Exhibit 8, you're saying there was some</p> <p>21 other document with more blue lining?</p> <p>22 A Yes, it was going back and forth.</p> <p>23 Q Okay. I don't seem to have that.</p> <p>24 A I do not have it also.</p> | <p style="text-align: right;">Page 192</p> <p>1 A No, I do not recall it. This is the starting</p> <p>2 point as far as I recall it.</p> <p>3 Q So if we look at the back page of Exhibit 8, it</p> <p>4 starts with an email from Prakash dated March 18th,</p> <p>5 3:04 p.m. to you, copied to Mike Belmont and it says:</p> <p>6 PIP task number one, follow-up task.</p> <p>7 Prakash says: Hi, Aftab. Thanks for taking</p> <p>8 the time to heed and understand the feedback provided to</p> <p>9 you today. As a follow-up to task 1, and to engage --</p> <p>10 and to gauge improvement based on feedback, please, and</p> <p>11 he lists some things to do.</p> <p>12 You're saying this is the first communication</p> <p>13 you've had about the task 1?</p> <p>14 A Yes. Started from March 18th, 2020, 3:00 or</p> <p>15 4:00 p.m., then it was goes on for maybe couple days.</p> <p>16 That's why I do not recall anything.</p> <p>17 Q So when he says update product LRS, and there's</p> <p>18 a bunch numbers, BXU 53367, that was shared previously,</p> <p>19 did he not actually -- let me finish my questions before</p> <p>20 you start. I'll give you all day to talk.</p> <p>21 He did not previously share with you the</p> <p>22 updated product LRS BXU 533567?</p> <p>23 A No.</p> <p>24 Q You've never had it?</p> |
| <p style="text-align: right;">Page 191</p> <p>1 Q Did you ever -- let's start here. Did you ever</p> <p>2 produce the step one deliverables? I see a bunch of</p> <p>3 questions and a bunch of answers. Did you ever produce</p> <p>4 the work product that was supposed to come out of this</p> <p>5 first phase?</p> <p>6 A No, because we were still in the process of</p> <p>7 communication we first clarifying what he's asking. Some</p> <p>8 of them was nonrelated to this work and I was asking him</p> <p>9 where this information came, and I don't know what he</p> <p>10 responds. That's why I wanted to see, but this</p> <p>11 communication ended, and towards the end is silent. Like</p> <p>12 communication went like this -- this is started on 18th.</p> <p>13 I respond, he responds back, then this communication is</p> <p>14 going on for maybe couple days. I have no information</p> <p>15 until I will see what has been -- my response was this</p> <p>16 one.</p> <p>17 Q So I take it before March 18th, when we're</p> <p>18 getting these blue line comments that you -- you and</p> <p>19 Prakash had already had some kind of communication about</p> <p>20 the phase one deliverable?</p> <p>21 A March 18th --</p> <p>22 Q I'm saying before March 18th, was there some</p> <p>23 either email or in person or whatever communication about</p> <p>24 the phase 1?</p> | <p style="text-align: right;">Page 193</p> <p>1 A Never had it.</p> <p>2 Q Did you say that in your response?</p> <p>3 A In this email March 18th maybe he attached it,</p> <p>4 but he did not mention. So he is attaching while he's</p> <p>5 sending it email. So that's why I needed to see entire</p> <p>6 email before I make any comment on this exhibit. Before</p> <p>7 and after I need the communication on this one,</p> <p>8 Exhibit 8.</p> <p>9 MR. LIDBURY: Ebony, do we have any other</p> <p>10 communication?</p> <p>11 MS. SMITH: I'm looking right now. I don't think</p> <p>12 they produced any other communication other than that.</p> <p>13 MR. LIDBURY: Q Do you have any emails -- any</p> <p>14 additional emails about task one of your PIP that --</p> <p>15 other than what you produced to us in this case?</p> <p>16 A No, I do not.</p> <p>17 Q But you have a recollection that there was some</p> <p>18 other email?</p> <p>19 A I will say yes, this is a part of</p> <p>20 communication, yes. There are more communication in</p> <p>21 there.</p> <p>22 Q After March 18th or before?</p> <p>23 A Could be before, could be after. I cannot</p> <p>24 recall anything at this point for Exhibit 8.</p> |

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1 MR. GONZALEZ: I will say we produced every document
2 that Mr. Khan gave us.

3 MR. LIDBURY: Okay. Thank you, Richard. I have no
4 doubt.

5 Q Okay. Did you ever have a meeting with
6 Mr. Chapain after March 18th about your PIP?

7 A No, not on the task.

8 Q No, I didn't ask on the task. Did you have a
9 meeting with Prakash Chapain in the room, I think Lynn
10 Elliot on the phone? Do you recall that conversation
11 about the PIP?

12 A I do not recall it. I do recall only one
13 meeting with Prakash Chapain and Mike Belmont after
14 March 18th. I don't know if it was March 22nd or
15 March 23rd. I do not recall exact date.

16 Q But you had a meeting with Prakash Chapain and
17 Mike Belmont after March 18th about the PIP?

18 A Not about the PIP.

19 Q Not about the PIP. What were you talking
20 about?

21 A As soon as -- I thought maybe we are still
22 talking about task one, we were going to talk about our
23 meeting, and as soon as it was -- COVID was I think it
24 was in effect, everybody was working from home. And when

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1 I log in and he log in, and I say, hey, hi, how are you
2 and everything was done. And he says, let's go on mute,
3 I'm waiting on Mike Belmont to join it.

4 And when Mike Belmont join it, and he says that
5 you will be getting HR email, you have from today to two
6 week to be -- if you do not find another job, you will be
7 terminated. So that call was my termination call
8 informing me you have two more weeks after this
9 March 18th.

10 Q Were you in a meeting in which Lynn Elliot was
11 on the phone at any time?

12 A I do not recall Lynn Elliot was on the phone,
13 but I got email follow that meeting, but I do not recall
14 Lynn Elliot was in that meeting --

15 Q Listen to my questions carefully. Have you
16 ever been in a meeting in which Lynn Elliot was on the
17 phone?

18 A Any other meeting, yes, I was only when I
19 complain about Prakash regarding his email on March 12th
20 which I send it. At that time Lynn Elliot called me and
21 me and him has a one-on-one meeting regarding this issue.
22 That's the only time I have a conversation with Lynn
23 Elliot in a meeting setting.

24 Q Approximately what date was that?

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1 A I would say maybe March 12th or 13th. I do not
2 know exact, but it was around when I send this email on
3 March 12th after that I had a meeting with him and he
4 asked -- he said all he was mentioning, if I remember, he
5 says, you will be treated equally, you won't be anything,
6 no. Prakash said wrong whatever he said it, we will work
7 on tackle that one issue, that's -- like HR intervene,
8 that's what he was kind of doing the damage control type
9 of a meeting, but that was the only first and last time I
10 had a meeting with Lynn Elliot.

11 Q What do you recall Lynn Elliot saying on the
12 call?

13 A She says I don't know why this email went to
14 you, but don't worry, we will treat you equally here.

15 Q She doesn't know what email went to you?

16 A Email March 12th, which went to PIP and Prakash
17 send it out to me, and in that meeting, that -- that went
18 to his attention. I don't know Mike Belmont told him or
19 who informed him, maybe I informed. I do not recall.

20 Q What you mean is that your email in which you
21 quoted what you say Prakash said to you about being a
22 stage show, that's the one you're talking about?

23 A Yes, follow that one. That's the only meeting
24 I have in that.

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1 Q So she said -- Lynn Elliot said to you she
2 didn't know why -- what email came to you, because no
3 email came to you, you're the one that wrote the email?

4 A This one, but he in following this one, he set
5 up a meeting with me.

6 Q Okay. And you had -- that's the meeting where
7 Lynn Elliot was on the phone?

8 A On the phone one meeting, March 12th or
9 March 13th.

10 Q And what did Ms. Elliot say?

11 A Do not worry about this email, that he kind
12 of -- the wording he said to you, that hey, you know
13 what, this is a stage show, do not worry about that. We
14 will treat you equally.

15 Q And Mr. Chapain did not admit to saying what
16 you claim he said, did he?

17 A I don't know what he said.

18 Q Well, you were in a meeting with him. In that
19 meeting --

20 A I was meeting with Mike -- Are we talking, sir,
21 about Lynn Elliot and my meeting?

22 Q You said that you had a meeting with Prakash
23 Chapain and Lynn Elliot was on the phone.

24 A No, I did not say Lynn Elliot. Michael Belmont

50 (Pages 194 - 197)

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1 was on the phone on March 23rd. So here we are talking
 2 two different things.
 3 Q Because I have been asking you about any
 4 conversation you've ever had with Lynn Elliot.
 5 A Yes, I do have one conversation.
 6 Q When was that one?
 7 A Around March 12th, March 12th or March 13th.
 8 Q Who else was present?
 9 A In that meeting me and Lynn Elliot.
 10 Q Just you and Lynn Elliot?
 11 A Yes.
 12 Q So you don't recall any meeting in which
 13 Prakash Chapain and/or Mike Belmont were in the room with
 14 you and Lynn Elliot was on the phone?
 15 A No.
 16 Q You don't recall that. Do you recall raising
 17 your voice about the PIP when you were talking with
 18 anyone?
 19 A Raising voice in which way?
 20 Q Well, do you have a sense of what I mean by
 21 raising a voice? Have you ever heard that phrase before?
 22 A Yes. But could you please explain it what you
 23 mean by raising your voice? Raising on the issue of the
 24 PIP or getting mad on someone?

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1 Q What does raising one's voice mean to you?
 2 A Raising voice for me is -- could be any -- any
 3 issue, any -- any point when people get excited maybe.
 4 Q Okay. Did that happen?
 5 A No.
 6 Q Okay. Did you complain about the PIP process
 7 other than -- Let's put aside the comments you claim
 8 Prakash made to you about it being a stage show. Did you
 9 complain about the PIP process other than that?
 10 A The person who was administering and managing
 11 the PIP was not cooperative, and that was Prakash
 12 Chapain. And, yes, I complained.
 13 Q Who did you complain about that to?
 14 A I complained to Mike Belmont.
 15 Q I'm sorry. I got distracted. You said Mike
 16 Belmont I think?
 17 A Yes, Mike Belmont.
 18 Q And you don't recall ever saying anything like
 19 that to Lynn Elliot?
 20 A Because at that time I mentioned what he said,
 21 a stage show to Mike Elliot, but I did not specifically
 22 say why the PIP has been created, no, I did not discuss
 23 it.
 24 Q You said Prakash was unresponsive or

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1 uncooperative, whatever word you used.
 2 A Yes. Yes.
 3 Q Did you complain about that -- do you have any
 4 recollection of complaining about that to Lynn Elliot?
 5 A No, I quoted those word what he says is a stage
 6 show. That's all I complain about it.
 7 Q Okay. But you did complain about Prakash's
 8 uncooperativeness to Mike Belmont?
 9 A Yes.
 10 Q And was that oral?
 11 A That was in this meeting -- this email,
 12 Exhibit 7 email is clearly saying that he's being
 13 uncooperative there and getting mad at me.
 14 Q Okay. So there was no other conversation or
 15 email to that effect, it's this email, this Exhibit --
 16 A Exhibit 7.
 17 Q -- 7. Nothing but that?
 18 A Yeah.
 19 Q Okay. And you never delivered step 1 -- What
 20 is it called in here? Stage 1 -- Task 1, you never
 21 delivered a task 1 under the PIP?
 22 A No.
 23 (Exhibit 9 marked as requested)
 24 Q We have placed before you what's been marked as

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1 Exhibit 9.
 2 For Richard's benefit it's an email from Cheryl
 3 Bork to Mike Belmont dated March 12th, 2020.
 4 MR. GONZALEZ: Okay.
 5 MR. LIDBURY: Q Do you recognize this document?
 6 A No, I do not.
 7 Q You've never seen it before?
 8 A I seen it when we came here in the case here.
 9 Q So in preparation -- So other than in
 10 preparation for your deposition, you've never seen it
 11 before?
 12 A No.
 13 Q Were you aware that Cheryl Bork had had
 14 numerous discussions with Mike and Prakash about concerns
 15 about your performance -- your poor performance?
 16 A No.
 17 Q You had no idea that was going on?
 18 A No.
 19 Q Okay. When did you become aware that Ms. Bork
 20 directed that you be removed from her project?
 21 A Right when during this case.
 22 Q Only in this case?
 23 A Yes.
 24 Q Okay. All right. So you understand that when

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1 Ms. Bork said that you needed to be off of her team that
2 HCL really had no choice, correct?

3 A I do not know the content of this one so I will
4 not speak anything what is the meaning is removing from
5 the team because this is a big project going on. So I do
6 not know what exactly there was -- was asked by Cheryl
7 Bork.

8 Q Well, obviously the redlining team, correct?

9 A And regulatory team, yes, regulatory affair.

10 Q So she directed that you were out, correct, you
11 can see that here?

12 A According to reading by here she says remove
13 from poor perform -- according to this email, which just
14 presented to me, Exhibit 9, that according to that email,
15 yes, remove Aftab from poor performance on the label
16 remediation activity. That --

17 Q Okay. So it was -- at this point in time
18 Baxter had directed that you be removed from the label
19 remediation activities, correct?

20 A Yes, according to the 12th, but the PIP was
21 created on the 9th and 10th. So this email came after
22 the way I look at before the PIP. I'm not going to in
23 any argument, but PIP was created on the 10th, and this
24 email of which according to the timestamp on March 12th.

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1 but, yes, email says remove Aftab from the assignment.

2 Q And you're not aware of what conversations
3 Ms. Bork is talking about when she says since Q4 2019
4 she's been having discussions about your poor
5 performance?

6 A Yes, I do not recall, never been contacted, no.

7 Q And you're -- As you sit here today, you're not
8 aware of conversations Ms. Bork might have had
9 immediately before your PIP was put in place, are you?

10 A I'm not aware of them. This is the only I see
11 Cheryl Bork's email.

12 Q But you're also not aware of any conversations
13 that Ms. Bork had with Mike Belmont or Prakash Chapain
14 immediately before your PIP was issued?

15 A No, I do not have visibility.

16 Q Okay. Throughout your PIP process, to the
17 extent it went, did anyone explain to you that Baxter had
18 kicked you off of the team?

19 A No.

20 Q You were in no way aware that Ms. Bork and her
21 management team felt that you were not capable of doing
22 your work by yourself and without errors, that was
23 totally news to you?

24 A Yes.

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1 Q Looking back at Exhibit 8 if you would. Have
2 you had a chance to look at the in line comments that
3 Mr. Chapain gave you on this March 18th email, all the
4 blue?

5 A The blue, yes, I see.

6 Q All right. That's not exactly positive about
7 what you were trying to do for task one, correct?

8 A I was not clear enough what he was trying to
9 say, information, because maybe he does not know it what
10 he was trying to ask me to do it.

11 Q So your boss is too stupid to execute your PIP?

12 A I did not say, sir, that.

13 Q Would you say that now?

14 A No. I'm not going to say anything. All I say
15 maybe he was not clear enough -- because my simple
16 question, he give me this long detail, and then I had a
17 follow-up communication on these red -- blue line which I
18 do not have any information.

19 Q It's fair to say though that from Prakash
20 Chapain's perspective, task one was not going very well?

21 A We were not on the same page, but I never got
22 indication is not going well.

23 Q You don't think that Exhibit 8 reflects that he
24 doesn't think you're doing very well?

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1 A No, it was under conversation.

2 Q No, this is not what I'm requesting, you don't
3 think that your inability to understand what he's
4 requesting is probably not good?

5 A Yeah. And then I was asking him what exactly
6 he's asking me to do it because that was not related to
7 the work day in, day out I was doing it. He was asking
8 me totally something different which was not part of my
9 job maybe. So looking at those comment, he was -- we
10 were on different page I would answer it.

11 Q And that's because of his lack of
12 understanding?

13 A Yes, definitely.

14 Q Okay. You said that it was not the work that
15 you were doing. Do you mean that the PIP -- the PIP
16 tasks were not deliverables for Baxter, is that what you
17 mean?

18 A Yes.

19 Q Okay. And you kind of understand now why,
20 right, because you were kicked off the team by Baxter?

21 A I really do not know the answer of that.

22 Q Well, do you have any reason to doubt that
23 Cheryl Bork sent that email saying that she didn't want
24 you on her team?

52 (Pages 202 - 205)

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1 A On March 12th?

2 Q Correct.

3 A This discussion took place on March 18th.

4 Q Right. So what?

5 A So I'm not sure -- Could you please clarify

6 your question again?

7 Q You understood or you should understand now,

8 right, that you couldn't be doing Baxter work on

9 March 18th anymore?

10 A Yes. Now -- now after looking Cheryl Bork's

11 email, now I understand that I should not be doing Baxter

12 team.

13 Q So in hindsight, it's not a surprise you

14 weren't doing Baxter work for your PIP?

15 A I was working for a Baxter work, but not

16 related to the labeling remediation entirely. So this

17 task was not related to my job function, yes.

18 Q So you believe that the tasks you were being

19 asked to do for the PIP were not related to redlining?

20 A Yes.

21 Q At all?

22 A No, it was partially overlap, but I did not say

23 it. But it was not a fully what I was doing day in, day

24 out.

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1 Q Meaning that there was additional things on

2 there?

3 A Additional, or maybe added other things,

4 additional things, yes. I would say there was additional

5 things not in my job function.

6 Q But it included redlining of labels?

7 A Yes. Just like I mentioned yes, as a piece of

8 entire regulation labeling, yes.

9 Q Okay. And did you feel that you were not

10 qualified to do the additional work that was being asked,

11 the different work?

12 A I really do not know what I assume it regarding

13 task one. It was not explained me very well.

14 Q So you never really understood what you were

15 supposed to do for task one?

16 A Task one, that's why we was going back and

17 forth in this communication. This is just a part of

18 communication, Exhibit 8.

19 Q Okay. So you never figured out what you were

20 supposed to do for task 1?

21 A I figured out if I will get -- after this one,

22 it was just like I mentioned, there was no more after

23 maybe one or two more email, and then there was no

24 communication, it was silent and other side. So I don't

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1 know it was got my response back or if they were not

2 clear enough on their own task.

3 Q Did you respond in writing -- Did you give an

4 email response to Exhibit 8 the top email from Prakash to

5 you on March 18th at 9:01 p.m.? Did you respond to that?

6 A I'm pretty sure this is not the complete

7 communication, so I'm pretty sure my response is back.

8 Q You think you responded to this?

9 A I will definitely -- I could -- I could not

10 recall exact date and time, but there is a more

11 communication. That's all I can answer.

12 Q And through that additional communication after

13 March 18th, did you ever figure out what task one was

14 supposed to be?

15 A There was no response back from that email.

16 Q So you believe you responded to Exhibit 8 and

17 heard nothing back?

18 A Yes.

19 Q Okay. And do you recall what you responded

20 about back about Exhibit 8?

21 A I could not recall anything right now.

22 Q Can't recall. In Exhibit 8, Mr. Chapain says:

23 I am still concerned about your deliverable quality.

24 There should not be issues with the deliverables to the

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1 level that our group's ability to deliver outputs is

2 questioned altogether.

3 Do you see that?

4 A Which question is number?

5 Q First question, last sentence in the blue line

6 response: But I am still concerned.

7 Do you see that?

8 A I'm still concerned, yes, I'm reading there.

9 Q All right. So you understood as of March 18th

10 that your work towards task 1 was not impressing

11 Mr. Chapain?

12 A It was not impressing it. I could not read it.

13 I read the wording, I understand what he's saying, but

14 then I'm not going back to and asking maybe it's a part

15 of the stage show. So I do not know what that meaning.

16 He says: I'm still concerned about your deliverable

17 quality. So what is deliverable quality? What was

18 wrong? Pinpoint it. This is step one, you miss wrong.

19 For the screen shot, I'll give examples. So he's talking

20 very generic here.

21 Q So he says -- again in response -- in in line

22 comments to question number 1, he says: No, this is not

23 what I am requesting. Please add all EU MDR requirements

24 to product LRS. Note. See parentheses below in item 1.

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| <p style="text-align: right;">Page 210</p> <p>1 I have specifically asked for all EU MDR requirements to 2 be added. 3 Do you see that? 4 A Yes, I see it here, but, okay. I'm looking at 5 number 1. Where is item number 1? Okay. Below in 6 item 1, where is below item number 1? 7 Q I don't have it. 8 A I don't have it either. 9 Q Actually we do. Parentheses in item number 1 10 on the back page. That's what he's referring to. All 11 requirements in parentheses, that seems to be what he's 12 talking about, PIP task one? 13 A He is talking about PIP 1, deliverables, but at 14 the same time he's saying LRS document, but he never 15 provided me any document, LRS BXU 5335767, so I don't 16 know what he was talking about. 17 Q So he never sent you that document? 18 A No. He says update product LRS. 19 Q Did he send you product LRS BXU 533567? 20 A I do not recall it. 21 Q Your response -- your March 18th response, 22 doesn't say you never sent me that, does it? 23 A I do not recall there this was there BXU right 24 now.</p> | <p style="text-align: right;">Page 212</p> <p>1 in your email he did not share it with you? 2 A Yes, that's correct, I did not response. I did 3 not say you do not have it or this document attached to. 4 So I was able to retrieve from somewhere this LRS. 5 Q So you had it? 6 A I retrieved from the Share Point. I'm pretty 7 sure I had something which I response at that time, three 8 year back. 9 Q So -- Okay. All right. You -- What 10 age-related comments do you recall Mr. Chapain making to 11 you? 12 MR. GONZALEZ: Objection for the record. You mean 13 in addition to things he's already testified to? 14 THE WITNESS: Yes. 15 MR. LIDBURY: Q Do you recall exactly what you've 16 already testified? 17 A I already mentioned in my note which kind of 18 age relation, when you going to be retiring, what year 19 you graduated, when you are planning to retire. Those 20 kind of question he start asking me in November meetings, 21 in month of November. 22 Q So he had no interest in your age before 23 November of 2019? 24 A Right.</p> |
| <p style="text-align: right;">Page 211</p> <p>1 Q Your response on March 18th, the second email 2 in the chain on Exhibit 8, does not say you never sent me 3 LRS, does it? 4 A So I added -- add EU MDR requirement in product 5 LRS. Additional line item of it does not exist in 6 current LRS. As per our today's meeting, 3-18, you had 7 mentioned few times that you are not concerned about 8 accuracy at this time. 9 So he is telling -- LRS BXU document, maybe it 10 is a public on that, and he's asking it, I do not want 11 the accuracy of that one now. I want it -- this one 12 document to be look. And I say additional line item it 13 does not exist in LRS. So there are item was missing in 14 this LRS. I'm pretty sure this document was maybe was a 15 procedure. I do not recall it three year later what 16 about BXU was. So I do not have information anymore on 17 about this one. 18 Q Now that you've read it more thoroughly, the 19 answer to the question is no, you did not say he never 20 sent you the LRS document? 21 A It was a document, LRS document. It did not 22 attach it. Maybe it was on Share Point. Maybe it is a 23 procedure -- 24 Q Can you focus on my question? It does not say</p> | <p style="text-align: right;">Page 213</p> <p>1 Q And suddenly he had an interest in it? 2 A Yes. 3 Q And how did it come up? 4 A I don't know. It just came up from him. 5 Q Well, were you walking through the hallway and 6 he just made a comment? 7 A No, it was in that meeting setting in our 8 working, our team meeting when we were connected at that 9 time. Nobody was from outside, internal team was there, 10 and he made this comment, hey, when you graduated, when 11 you are planning to retire. He did not do all in one 12 setting, but in different meeting, but similar type of 13 meeting he brought it up in a way trying to bring up that 14 I'm old or maybe I should be retire. Like one time he 15 ask me when you going to be retired. Those all thing I 16 put them on record that what he comment he was making 17 about my age. But I just professionally approach it, and 18 I say I haven't thought about when I'm planning to 19 retire. 20 Q So the age-related comments that you've just 21 described were all made in the presence of others? 22 A Yes. 23 Q Who? 24 A Again, I do not recall who all was in meeting,</p> |

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1 but the people Aayushi, Kunal, Krutal Patel, those
 2 people -- I do not know Kunal was online or not, but
 3 those people was already Mohammed Ahmed, Donna -- I'm
 4 sorry. Not Donna. That Heather Lewis, those people were
 5 when they was in the room.
 6 Q What was the context in which these comments
 7 came?
 8 A I don't know where it's came from, all of a
 9 sudden -- maybe he was doing it as ice breaker to --
 10 before starting -- sometime he would say it before
 11 starting meeting, and maybe sometime he would say at the
 12 end of those kind of comment. He would not say it while
 13 we are working, but he would say at sometime at the
 14 beginning. Maybe he wants to be cheering other coworker,
 15 young employee. I don't know what was the reason behind
 16 it, I cannot say, so don't know the answer why he was
 17 bringing up.
 18 Q Did he ask other people when they graduated
 19 from college or any --
 20 A No.
 21 Q Never?
 22 A Never.
 23 Q He only asked you?
 24 A Yes.

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1 Q You said it was in the form of maybe an ice
 2 breaker, but you were the only one he ever asked?
 3 A Yes. Maybe he already knew about them. I just
 4 do not know. I do not have visibility of that answer.
 5 The answer is no, I do not know.
 6 Q But you recall that the first comment of that
 7 nature was in November of 2019?
 8 A 2019, yes.
 9 Q And how many -- on how many different occasions
 10 did he comment in some way about your age?
 11 A I would say definitely three to four times.
 12 Q Did Mr. Chapain ever comment about your
 13 citizenship or national origin?
 14 A No.
 15 Q Did anyone else?
 16 A No, not in the team.
 17 Q Just to be clear, when you say not on the team,
 18 that includes Mike Belmont?
 19 A Yes.
 20 Q He never said anything about your American
 21 citizenship?
 22 A Right, he did not say it. And just like I
 23 mentioned previously, I do not have so much interaction
 24 with Michael Belmont.

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1 Q That's fine. I'm just trying to establish if
 2 he said anything.
 3 A No, he never said anything about my status.
 4 Q Okay. Did any of your coworkers, your peers --
 5 I guess you already said they didn't say anything about
 6 your citizenship?
 7 A Nothing.
 8 Q And your peers didn't say anything about your
 9 age either?
 10 A No, they did not mention.
 11 Q Would you mark this as Exhibit 10?
 12 (Exhibit 10 marked as requested)
 13 Q You have in front of you what's been marked
 14 Exhibit 10, it's Bates numbered 13. I think that's a
 15 production by your side because there's no HCL. It's a
 16 June 30th, 2020 -- I don't know what it is. Some kind of
 17 memo I guess.
 18 Do you, Mr. Khan, recognize this document?
 19 A Maybe -- this is -- I believe when I complain
 20 about EEOC maybe that's the investigator took my input.
 21 That's how I recall it. You know how they talk on the
 22 phone and ask questions? Maybe that's kind of -- I do
 23 not recall fully in this format, but this context it
 24 looks like it was with EEOC investigator.

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1 Q Is this something that you think you typed or
 2 is this something you said you might have spoken and
 3 someone was recording? Is that what you're saying?
 4 A Yes, looking at the spelling error and those
 5 kind of -- like I start with IT business, so maybe looks
 6 like they are just capturing in my wording while they was
 7 -- looks like it is kind of a -- somebody recorded it. I
 8 think it's EEOC investigator.
 9 Q So on this Exhibit 10, I'm going to direct you
 10 to the second paragraph. About midway down the
 11 paragraph, starts on the right side of the page, it says:
 12 One time he asked me how long ago did you graduate? Do
 13 you remember? I said: It's been a while. He said, how
 14 long? I said, I'm not sure. But it's been a while. And
 15 he said, well, it must have been before I was born then.
 16 Okay. Is that consistent with your
 17 recollection?
 18 A Yes, that's exactly, yes.
 19 Q Is that what you said to the EEOC you think?
 20 A Yes.
 21 Q Okay. I note that this says one time.
 22 A For that particular comment.
 23 Q Okay. So that's the only time he ever made
 24 that comment?

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1 A That how long you recall it, and that one, but
 2 just like I say in the meeting somewhere, he say, when
 3 you came in U.S.? I did not mention maybe here, but when
 4 you came in U.S., how long -- how long you graduated,
 5 when you are planning to retire. So that was one. So
 6 maybe I mention it at that time only one comment, but,
 7 yes, that was part of the conversation.
 8 Q On the -- let's see -- the one, two, three --
 9 fourth paragraph, couple -- few lines down, it says: It
 10 had started to change about December when he made the
 11 comments about age. Prakash said you've been here a long
 12 time. The company can get rid of you and hire two
 13 college grads making less money than you.
 14 Did he say that?
 15 A Definitely he did.
 16 Q You have a clear recollection of that?
 17 A Yes, because I think it was something started
 18 with salary or compensation people were making it, and --
 19 I don't know -- he had a visibility on my -- my income or
 20 my pay, I do not know. But he says they can get rid from
 21 you and they can hire two new graduate.
 22 Q You didn't mention that one before when we
 23 asked -- when I asked you about comments, age-related
 24 comments.

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1 A All comment I could not recall it three, four
 2 year back it's been made to me. But since you brought it
 3 up, this was part of conversation.
 4 Q You say in the last two lines of Exhibit 10,
 5 you say whoever -- I guess three lines, whoever is on
 6 visa, they placed them elsewhere without question
 7 seamlessly.
 8 You can't possibly know that, could you?
 9 A Front page or back page of exhibit?
 10 Q First page, the last -- it's the third from the
 11 bottom line towards the middle of the page left to right,
 12 starts with whoever is on visa.
 13 A Whoever is on visa.
 14 Q They place them wherever without question
 15 seamlessly. My question is, you have no way of knowing
 16 that, do you?
 17 A Yes. If they remove like -- Chitti Babu is an
 18 example. He remove from our -- move from one assignment,
 19 they put him in another project. Chitti Babu is used as
 20 an example here.
 21 Q You say whoever is on visa, whoever. You have
 22 no way of knowing that, do you?
 23 A Yes. Whoever is on visa, they do not when the
 24 assignment ends it, like, you know, the completion of

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1 assignment or -- at that time they will replace them,
 2 find something within a company for another assignment
 3 where the U.S. employee -- U.S. citizen and legal
 4 immigrants they will let go first.
 5 Q And you know that how?
 6 A Because every time an assignment ended, we know
 7 it who went -- who let go throughout so many years.
 8 Q You know everything around the whole company?
 9 A No, I don't know everything, but I seen it if
 10 some assignment -- this assignment has been completed,
 11 these people is going to be going on this assignment, and
 12 these people will be -- will be let go on the assignment.
 13 Q Name an American citizen who was not allowed to
 14 place -- be placed elsewhere?
 15 A I would say it -- I need to think about it --
 16 on 2015 on that how many people are who was gone, but
 17 throughout this year, there were people was let go.
 18 There was -- there was -- I do not recall exact name of
 19 the person, but he was -- looks like was a citizen --
 20 Q Looks like?
 21 A He was a U.S., he had a work permit, that's
 22 what he mentioned. But I do not -- exact name if you are
 23 asking me at this moment, I cannot recall it.
 24 Q So you can't name an American citizen who was

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1 refused -- who was denied the ability to be placed
 2 elsewhere because they were an American?
 3 A Yes, I would definitely, because all of them H1
 4 L1 visa people will place on other assignment every time
 5 assignment ended.
 6 Q Focus on my question. You cannot name an
 7 American citizen who was denied the opportunity to be
 8 placed elsewhere because they were an American?
 9 A I could not recall it at the moment, yes, I
 10 could not, but I'm pretty sure HCL has a record of how
 11 many people after completion of assignment let go. So
 12 that's something they could look into it.
 13 Q So HCL could figure that out, but you have no
 14 idea, do you?
 15 A What do you mean by no idea? By looking people
 16 be letting go versus keeping, I knew it who left here
 17 and who been removed at that one.
 18 Q When I say no idea, I mean you are unable to
 19 name a human being who was an American citizen who was
 20 denied the ability to be placed elsewhere?
 21 A Right now, I could not recall it from starting
 22 2015. That's correct.
 23 Q And how long has this lawsuit been pending?
 24 A This lawsuit is started in 20 -- when I filed

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| <p style="text-align: right;">Page 222</p> <p>1 it in 2019.</p> <p>2 Q So when do you think you'll be able to remember</p> <p>3 a name?</p> <p>4 A I don't know. I cannot recall it right now.</p> <p>5 Q You -- I can show you the document if you need</p> <p>6 it, but we might not need it. Do you recall telling the</p> <p>7 EEOC that you were meeting and exceeding your job</p> <p>8 responsibilities?</p> <p>9 A Yes.</p> <p>10 Q And that's -- you believe that?</p> <p>11 A Yes, I do, when I was in quality engineer</p> <p>12 working for Susan Trost.</p> <p>13 Q When you were working with the redlining team</p> <p>14 and were put on PIP, you believe that you were meeting</p> <p>15 and exceeding your job responsibilities?</p> <p>16 A When I mention it this one I was meeting and</p> <p>17 exceeding it, I was talking about all entire HCL tenure.</p> <p>18 As long as I was in HCL, at some point my focus is not</p> <p>19 redlining only assignment. That was not more than a six</p> <p>20 month. I was there five plus years.</p> <p>21 Q So then you would acknowledge that you were not</p> <p>22 meeting and exceeding expectations in the redlining role?</p> <p>23 A No, I will not acknowledge.</p> <p>24 Q You will not acknowledge it.</p> | <p style="text-align: right;">Page 224</p> <p>1 you know, they go outside, they -- bars -- or whatever</p> <p>2 that is. I do not know the detail. But my answer is, no</p> <p>3 to that one if she was part of that play, but they were</p> <p>4 good friend by looking at work.</p> <p>5 Q You remember telling the EEOC that Prakash</p> <p>6 Chapain and Mike Belmont lacked technical knowledge,</p> <p>7 failed to carry the instructions from client, Baxter, and</p> <p>8 convey information to the labeling team and put the</p> <p>9 entire labeling team in a chaotic and awkward situation?</p> <p>10 A Yes.</p> <p>11 Q And you agree -- you believe that that's true?</p> <p>12 A Yes, that's true.</p> <p>13 Q Did you express that to them at the time -- at</p> <p>14 the time when you were there?</p> <p>15 A Prakash when I was interacting with him, any</p> <p>16 activity or task, any of them, I would just bring my --</p> <p>17 my side of the argument, but I did not directly say --</p> <p>18 because they are my boss, I cannot say hey, boss,</p> <p>19 Mr. Boss, you do not know what you are doing it. But</p> <p>20 arguing back to them and giving my side of this</p> <p>21 disregulation is not being followed, that's what I</p> <p>22 presented to Prakash. And, again, Michael Belmont was</p> <p>23 not involved direct assignment.</p> <p>24 Q While you were on the redlining team, it was</p> |
| <p style="text-align: right;">Page 223</p> <p>1 So Ms. Bork is just off base in saying that you</p> <p>2 were not doing your job?</p> <p>3 A Maybe she's part of the stage show.</p> <p>4 Q She's in the conspiracy?</p> <p>5 A Maybe she's part of the stage show.</p> <p>6 Q Yeah. She -- said nothing about your age,</p> <p>7 correct, ever?</p> <p>8 A I do not recall it. This is the first I sign</p> <p>9 -- saw the document from Cheryl Bork when I -- when came</p> <p>10 in this case. Before I did not have any communication.</p> <p>11 So nobody came. She would have come to me, stop by and</p> <p>12 say, hey, you know, you are not doing work we are asking</p> <p>13 you. That's all simple. Never been happen. And he send</p> <p>14 a quick email, one note. I do not have it. So this is</p> <p>15 the first time Cheryl Bork I got. So I do not know.</p> <p>16 Q Do you have any information to support your</p> <p>17 hypothesis that Cheryl Bork entered into a conspiracy</p> <p>18 with HCL to get you terminated because you're old or</p> <p>19 American?</p> <p>20 A No. Only thing I would just add it to your</p> <p>21 answer, first I will say, no, I do not, but only I would</p> <p>22 add to this question, Cheryl Bork and Prakash Chapain</p> <p>23 were close friend outside of work. That's all I can say</p> <p>24 it. I -- according to the people who was talking that,</p> | <p style="text-align: right;">Page 225</p> <p>1 your opinion that it was chaotic and awkward?</p> <p>2 A Yes.</p> <p>3 Q But you didn't express that to anyone?</p> <p>4 A Where I should be going it? I'm just asking a</p> <p>5 leading question. Who should I be expressing it at, that</p> <p>6 chaotic situation? They were -- they are leading --</p> <p>7 sorry. They are leading the team. They are my leader.</p> <p>8 Q So the answer is no?</p> <p>9 A I did not, no. The answer is no, I did not</p> <p>10 when to tell directly.</p> <p>11 Q Do you think that your negative opinions about</p> <p>12 their management leaked through somehow in your</p> <p>13 communications with them even if you didn't say it</p> <p>14 expressly?</p> <p>15 A Yes. Their management skills and how they</p> <p>16 manage the labeling project was managed very poorly, yes.</p> <p>17 Q What I'm asking is, do you think that they</p> <p>18 maybe got wind of the idea that you weren't really</p> <p>19 impressed with them?</p> <p>20 A I have no idea what they was thinking.</p> <p>21 Q You recall telling the EEOC that Mr. Chapain</p> <p>22 told you do not come to me and ask questions about this</p> <p>23 assignment?</p> <p>24 A Yes, he did.</p> |

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| <p style="text-align: right;">Page 226</p> <p>1 Q And you remember him saying that?</p> <p>2 A Yes.</p> <p>3 Q Which assignment was he talking about?</p> <p>4 A Just general ongoing work.</p> <p>5 Q And you -- The next sentence after you say</p> <p>6 that, you say that: Even though he was a team leader</p> <p>7 Prakash Chapain, openly admitted he had no technical</p> <p>8 knowledge for this project, right?</p> <p>9 A Yes.</p> <p>10 Q So he wouldn't be the person you should be</p> <p>11 coming to with questions, would he?</p> <p>12 A But he is the person I should be going to him</p> <p>13 as bringing issue first line of management.</p> <p>14 Q Isn't it your job to know the rules and the</p> <p>15 regulations and to do the redlining?</p> <p>16 A I do. That's my responsibility, but as a -- as</p> <p>17 a -- I'm not allowed to go directly to the client and</p> <p>18 telling them, hey, your procedure is wrong, your process</p> <p>19 is incorrect. This need -- my first of line is to report</p> <p>20 back to Mr. Prakash Chapain.</p> <p>21 Q As to the redlining, Mr. Chapain was not the</p> <p>22 expert, right?</p> <p>23 A Right.</p> <p>24 Q He never claimed to be, right?</p> | <p style="text-align: right;">Page 228</p> <p>1 A Yes.</p> <p>2 Q You were expected to know how to do it, right?</p> <p>3 A Expected to know how to do it, yes.</p> <p>4 Q And you weren't expected to have to go asking</p> <p>5 everybody else how to do it, right?</p> <p>6 A When there is issue comes, I have to go to the</p> <p>7 manager and bring up this is the discrepancy I notice.</p> <p>8 Q You should know how to resolve the discrepancy,</p> <p>9 shouldn't you?</p> <p>10 A No. I'm not allowed to communicate with other</p> <p>11 team. Prakash Chapain as the team lead is responsible to</p> <p>12 communicate. No, I'm not.</p> <p>13 Q But he's not responsible for knowing what needs</p> <p>14 to be changed and how?</p> <p>15 A He -- yes, he's not responsible, but he needs</p> <p>16 to get resolution, answer back to me through the team.</p> <p>17 Q And it's your position that you were not</p> <p>18 allowed to speak directly with Baxter people?</p> <p>19 A With client, yes.</p> <p>20 Q Even though you were on site at Baxter?</p> <p>21 A Right.</p> <p>22 Q And you were in meetings with the Baxter folks?</p> <p>23 A On a informational meeting, not working</p> <p>24 meeting. Informational --</p> |
| <p style="text-align: right;">Page 227</p> <p>1 A Right.</p> <p>2 Q Everybody knew he was not, correct?</p> <p>3 A He was managing the task, yes.</p> <p>4 Q Right. You were the one who was supposed to</p> <p>5 know how to redline the labels, correct?</p> <p>6 A Yes. Not label, procedure and process. Again</p> <p>7 we are --</p> <p>8 Q When you were on the redlining team, were you</p> <p>9 responsible for redlining labels?</p> <p>10 A No.</p> <p>11 Q What were you doing then?</p> <p>12 A I was doing it updating the procedure and</p> <p>13 telling them this change is going to go to this label. I</p> <p>14 might cross on the label, but I will look on the</p> <p>15 procedure. So when redlining -- when we are looking at</p> <p>16 label, we are not just looking at piece of paper. There</p> <p>17 is a lot of other things need to be changed at the same</p> <p>18 time.</p> <p>19 Q And you were the one that was supposed to know</p> <p>20 what needed to be changed, right?</p> <p>21 A Yes.</p> <p>22 Q There that was your job?</p> <p>23 A Yes.</p> <p>24 Q You were being paid to do that, right?</p> | <p style="text-align: right;">Page 229</p> <p>1 Q You never sat in a meeting with Baxter folks</p> <p>2 where they -- where you presented on your proposed</p> <p>3 changes?</p> <p>4 A I do not recall it.</p> <p>5 Q You don't recall that?</p> <p>6 A Yes.</p> <p>7 Q You don't recall talking about that a few hours</p> <p>8 ago?</p> <p>9 A I do not recall that I was in any particular</p> <p>10 meeting with them, but my work will go to Prakash.</p> <p>11 Q So it's your testimony that you never sat in a</p> <p>12 meeting with Baxter people and talked about your work?</p> <p>13 A I do not recall it.</p> <p>14 Q You don't recall that. Do you recall telling</p> <p>15 the EEOC that the age discrimination situation escalated</p> <p>16 further after my car accident?</p> <p>17 A Right.</p> <p>18 Q Do you believe there's some connection between</p> <p>19 your car accident and the escalation of age</p> <p>20 discrimination against you?</p> <p>21 A Yes.</p> <p>22 Q What would those two things have to do with</p> <p>23 each other?</p> <p>24 A Get rid of the old man, who knows how long it's</p> |

58 (Pages 226 - 229)

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| <p style="text-align: right;">Page 230</p> <p>1 going to take him to recover.</p> <p>2 Q A young person could also have a hard time</p> <p>3 recovering from injuries, right?</p> <p>4 A I do not know, but that's how my understanding</p> <p>5 it, we don't know how long he's going to take him to</p> <p>6 recover.</p> <p>7 Q Do you have any knowledge why you were</p> <p>8 terminated?</p> <p>9 A No, it was very shocking beside that. I do not</p> <p>10 know.</p> <p>11 Q Okay. Like -- I want to distinguish to make</p> <p>12 clear we're talking about the same things. We know that</p> <p>13 you were removed from the Baxter team, right, but that</p> <p>14 wasn't termination. You were still being paid at HCL,</p> <p>15 correct?</p> <p>16 A Right.</p> <p>17 Q All right. So when you were terminated, do you</p> <p>18 have any knowledge -- who made that decision?</p> <p>19 A No idea who made final decision.</p> <p>20 Q And you have no idea why they made that</p> <p>21 decision?</p> <p>22 A I have no idea why they made the decision. I</p> <p>23 could just think about maybe they created -- is a process</p> <p>24 for them to get -- let people go. I do not know HCL</p> | <p style="text-align: right;">Page 232</p> <p>1 meanwhile I will be keep looking it. And then no</p> <p>2 progress took place there. So I got from him the last</p> <p>3 termination letter, notification letter.</p> <p>4 Q You said from him. You mean from her?</p> <p>5 A From -- yes, from Lynn Elliot.</p> <p>6 Q From Lynn Elliot.</p> <p>7 A I should say take the name, Lynn Elliot, yes,</p> <p>8 HR.</p> <p>9 Q Do you know Aaron Barnard?</p> <p>10 Aaron -- you tell me. Man or a woman?</p> <p>11 A It's a man.</p> <p>12 Q It's A-A-R-O-N, Barnard, B-A-R-N-A-R-D.</p> <p>13 A Yes.</p> <p>14 Q Is that correct, sir?</p> <p>15 A Yes.</p> <p>16 Q Do you -- Who was Aaron?</p> <p>17 A He was on the floor. Not directly on my team.</p> <p>18 He was reporting to Cheryl Bork, and a good friend of</p> <p>19 Cheryl Bork. That's all I knew him. And good friend of</p> <p>20 Prakash Chapain. That's all I knew him.</p> <p>21 Q Not on the redlining team?</p> <p>22 A No, he was not on red lining team.</p> <p>23 Q Are you aware that he joined the redlining team</p> <p>24 after your departure?</p> |
| <p style="text-align: right;">Page 231</p> <p>1 process, but I do not recall that -- that is the only</p> <p>2 reason is my termination. I would say it -- that maybe</p> <p>3 is a clean up house they was doing it. There could be</p> <p>4 many things. I do not pinpoint exactly why they let me</p> <p>5 go, why they terminated after five plus year serving each</p> <p>6 year.</p> <p>7 Q Do you believe that whoever made the final</p> <p>8 decision to terminate you was involved in a conspiracy to</p> <p>9 get rid of old and American people?</p> <p>10 A It is possible. Not -- I do not have -- not</p> <p>11 have concrete proof, but it is possible.</p> <p>12 Q And you have no recollection of being on a</p> <p>13 phone call -- being in a meeting where Lynn Elliot was on</p> <p>14 phone call and you raised your voice and were negative</p> <p>15 about the PIP process?</p> <p>16 A No, I do not recall it. I had only one meeting</p> <p>17 with Lynn Elliot being there five plus year, one and only</p> <p>18 meeting which I know Lynn Elliot was on the call. I do</p> <p>19 not recall anything. Or if somebody was on there, I did</p> <p>20 not have visibility that person is listening that</p> <p>21 conversation. But as far meeting, one meeting only. But</p> <p>22 then I got from him email March 23rd, 2020 that you have</p> <p>23 two week to be terminated, and then I was trying to reach</p> <p>24 out, help me out to find another assignment, and</p> | <p style="text-align: right;">Page 233</p> <p>1 A After looking these --</p> <p>2 Q Now you know?</p> <p>3 A Now I know it. Before I did not. But I knew</p> <p>4 him.</p> <p>5 Q Are you aware that he was placed on a PIP?</p> <p>6 A No. Looking at here only I know. Before I did</p> <p>7 not. Maybe I was not even there at that time.</p> <p>8 Q Do you know how old Aaron is?</p> <p>9 A I could not recall his -- I saw him in hallway,</p> <p>10 sometime in lunchtime he joined it, sit down on the</p> <p>11 table, and that's all I know him. We never really talk</p> <p>12 about anything else, just a general --</p> <p>13 Q Can you put him in any age bracket at all?</p> <p>14 A It's very hard for me to do it. I would say if</p> <p>15 he was not 50, he was around that age. I just do not</p> <p>16 recall his age. Some people look younger, maybe they are</p> <p>17 older. Cannot tell it if somebody tells them by</p> <p>18 voluntarily hey, I'm 55, I'm 59. I would not know it how</p> <p>19 old he was.</p> <p>20 Q Do you know if he was an American citizen?</p> <p>21 A He did not say anything, but by looking him his</p> <p>22 appearance, looks like he was American citizen.</p> <p>23 Q So I take it what you're saying is he probably</p> <p>24 is not of Indian ethnicity?</p> |

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1 A Yes, he was not looking that.

2 Q Okay. Do you know anything about his job

3 performance in any role?

4 A I do not recall. I did not work with him

5 directly.

6 Q Do you know Subramanina -- Manikandan

7 Subramanian. Let me spell it before we get into it.

8 M-A-N-I-K-A-N-D-A-N, last name S-U-B-R-A-M-A-N-I-A-N. Do

9 you know that person?

10 A Can you please say the first name one more

11 time?

12 Q I'll try. I'm butchering it I'm sure.

13 Manikandan. M-A-N-I-K-A-N-D-A-N.

14 A Maybe working on the floor, I do not know the

15 name. Maybe I know by face, but not know exact name.

16 Q Subramanian is maybe more -- I don't know --

17 is -- that one doesn't ring a bell, last name?

18 A No. I would say no, I will not know it. I

19 will not recall it. Maybe I will look the person I will

20 know what you are talking, who you are talking about.

21 Q Let me take a break and see how we're doing.

22 We might be able to wrap up here shortly.

23 THE VIDEOGRAPHER: This is the end of media 5.

24 We're going off the record. The time is 5:42 p.m.

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1 (Off the record)

2 THE VIDEOGRAPHER: This is the start of media 6.

3 We're going on the record. The time is 5:57 p.m.

4 MR. LIDBURY: Q Are your benefits that you're

5 getting at Abbott in any way different -- any way lesser

6 than the benefits that you were receiving when you worked

7 at HCL?

8 A The short answer is no. I'm getting more than

9 what I was receiving there, but the consideration of

10 inflation, maybe I'm making less now what I was making at

11 that time. So cost of living is high, so I would not

12 compare this benefit to 2019 or 2016 benefit.

13 Q So is -- are the benefits you're receiving at

14 Baxter lesser in any way -- I'm sorry.

15 Are the benefits that you're receiving at

16 Abbott lesser in any way than what you were receiving at

17 HCL?

18 A Competitive.

19 Q Competitive.

20 A Yes.

21 Q All right. Can you quantify any difference? I

22 realize that you maybe can't. I'm just asking can you

23 quantify any specific difference between the two in terms

24 of the value to you?

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1 A For example, Baxter when I was at HCL, I able

2 to roll over my vacation for the next year and accumulate

3 it. Here I have to use it at the end, otherwise, I lose

4 it and get paid for that. So no rollover. That's a

5 clear difference.

6 Q In my head, when I'm talking about benefits,

7 I'm really interested in your health care benefits,

8 pension, if there is one, that kind of thing.

9 A It's comparative, and maybe HCL have a few

10 things better than Baxter -- Abbott, and some Abbott. So

11 I will not actually get into exactly what is the

12 difference between them but I will say the word

13 competitive, yes.

14 Q Pretty much comparable?

15 A Yes.

16 Q Little more here, little less there?

17 A Yes, exactly.

18 Q All right. So, in other words, your health

19 care benefits are probably not an element of the damages

20 you'd be claiming here, you don't think there's a

21 difference, a meaningful difference?

22 A When I joined the Abbott from that point on,

23 yes.

24 Q Yeah, yeah, yes. Okay. Okay. When you

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1 started at Abbott you were making \$80,394.54, correct?

2 A At Abbott or is it HCL?

3 Q I was talking about Abbott. I mean, I can show

4 you the document. I'm looking at -- let me show you.

5 A If that is there, then yes, sorry.

6 Q Let me finish. I'm going to go ahead and mark

7 it. This is Exhibit 11.

8 (Exhibit 11 marked as requested)

9 Q You have in front of you what is titled

10 Plaintiff's Supplemental Response To Respondent's First

11 Set Of Interrogatories.

12 Do you recognize the document?

13 A Yes, I do.

14 Q I notice I don't think we have a declaration

15 page from you on this, but you remember providing these

16 answers to your lawyer?

17 A Yes, I do.

18 Q Okay. And if you look on the answer -- the

19 supplemental answer to 21 on -- I guess it's the second

20 page of the thing, you say that when you started at

21 Abbott you started at approximately 80,000 -- you say

22 approximately but it's very specific, \$80,394.54

23 annually.

24 A Yes. That was on my W-2, I believe. That's

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1 where I got this number.
 2 Q That's fine. That's what the salary that you
 3 started at when you were with Abbott in 2021?
 4 A Yes.
 5 Q Okay. Has your salary changed since then?
 6 A Yes, about -- since that I changed it, yes.
 7 Q When did it change?
 8 A Yearly, annual review.
 9 Q So 2022 it changed?
 10 A Yes.
 11 Q What month of 2022?
 12 A In same year, in February -- in February,
 13 March, sometime. I don't know exactly when it hits the
 14 payroll, but in -- I would say at the end of February
 15 beginning of March.
 16 Q What did it change to?
 17 A I do not know exact dollar amount, but I would
 18 say about 3 percent increase.
 19 Q 3 percent increase.
 20 A 3 or 3.2. I'm sorry. I do not have exact
 21 number of percentage, but around 3. It could be 3.2, it
 22 could be 3.5. I do not recall.
 23 Q And then in or about around February -- I guess
 24 very recently, February or March of 2023, another raise?

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1 A Yes.
 2 Q And is that one also about 3 percent?
 3 A About 3 percent, yes.
 4 MR. LIDBURY: We're done. Do you have anything, I
 5 guess, Justin or Richard?
 6 MR. GONZALEZ: No, no. Thank you, thank you.
 7 MR. LIDBURY: All right. We made it.
 8 MR. GONZALEZ: Just to make sure I got them all
 9 right --
 10 MR. LIDBURY: Justin has a set of all the exhibits
 11 with him, and the court reporter will attach them to the
 12 transcript sufficiently so you'll have it both ways. All
 13 right?
 14 MR. GONZALEZ: Okay.
 15 THE VIDEOGRAPHER: We are off the record at
 16 6:03 p.m. and this concludes today's testimony given by
 17 Aftab Khan.
 18 (Off the record)
 19 -----
 20
 21
 22
 23
 24

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1 STATE OF ILLINOIS)
) SS:
 2 COUNTY OF COOK)
 3
 4 The within and foregoing deposition of the
 5 aforementioned witness was taken before CAROL CONNOLLY,
 6 CSR, CRR and Notary Public, at the place, date and time
 7 aforementioned.
 8 There were present during the taking of the
 9 deposition the previously named counsel.
 10 The said witness was first duly sworn and was
 11 then examined upon oral interrogatories; the questions
 12 and answers were taken down in shorthand by the
 13 undersigned, acting as stenographer and Notary Public;
 14 and the within and foregoing is a true, accurate and
 15 complete record of all of the questions asked of and
 16 answers made by the forementioned witness, at the time
 17 and place hereinabove referred to..
 18 Before completion of the deposition, review of
 19 the transcript {} was {X} was not requested. If
 20 requested, any changes made by the deponent, {and
 21 provided to the reporter} during the period allowed are
 22 appended hereto.
 23
 24

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1 The undersigned is not interested in the within
 2 case, nor of kin or counsel to any of the parties.
 3 Witness my official signature and seal as
 4 Notary Public in and for Cook County, Illinois on this
 5 27th day of M *Carol Connolly*
 6
 7
 8
 9 CAROL CONNOLLY, CSR, CRR
 10 CSR No. 084-003113
 11 Notary Public
 12 One North Franklin Street
 13 Suite 3000
 14 Chicago, Illinois 60606
 15 Phone: (312) 386-2000
 16
 17
 18
 19
 20
 21
 22
 23
 24

[& - 2020]

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[august - baxter]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and
(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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